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**Recommendations  
on  
Zoning  
Ordinance  
Revision**

**Approved December, 1976  
Berkeley  
Planning  
Commission**





CITY PLANNING COMMISSION

RECOMMENDATIONS ON ZONING ORDINANCE REVISION

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Prepared by the  
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## INTRODUCTION

1       The purpose of this report is to set forth the Planning Commission  
2 recommendations for changes in the existing Zoning Ordinance with suf-  
3 ficient substance to afford an opportunity for the public and City Coun-  
4 cil to judge the effects of the changes proposed.

5       IN ADOPTING THIS REPORT WITH ITS RECOMMENDATIONS ON TEXT CHANGES AND  
6 ON ZONING ORDINANCE MAP RECLASSIFICATION, THE PLANNING  
7 COMMISSION IS SATISFYING ITS RESPONSIBILITIES UNDER THE  
8 NEIGHBORHOOD PRESERVATION ORDINANCE TO PREPARE AND SUBMIT  
9 TO THE CITY COUNCIL RECOMMENDATIONS FOR COMPREHENSIVE  
10 ZONING ORDINANCE REVISION.

11       To put Zoning Ordinance revision in context, this report will  
12 briefly cover the following topics:

- 13       -- The function of the Zoning Ordinance
- 14       -- The Neighborhood Preservation Ordinance (NPO)
- 15       -- The interim NPO regulations
- 16       -- State law requirements for consistency between the Zoning  
17 Ordinance and Master Plan.
- 18       -- Zoning revisions since passage of the NPO
- 19       -- A comprehensive process for revision.

20       Zoning Ordinance recommendations, Phase 1, are concrete proposals  
21 for revisions to be enacted within the next few months. This is fol-  
22 lowed by an outline of revisions to be undertaken when the initial  
23 phase is completed.

## 24       ELEMENTS FOR CONSIDERATION

### 25       The Function of the Zoning Ordinance

26       Berkeley implements its policies in many ways. The administration  
27

## ELEMENTS FOR CONSIDERATION

The Function of the Zoning Ordinance, Cont'd

1 and enforcement of regulations is one. Berkeley has a large number of  
2 regulations, covering such varied topics as traffic, fire hazards, dogs,  
3 food sanitation and electric poles. Because regulations limit what can  
4 and cannot be done but do not in themselves cause anything to happen,  
5 their purpose is to prevent problems rather than to solve them.

6 In addition to the Zoning Ordinance, Berkeley has a large number of  
7 ordinances covering private development. These include ordinances which  
8 regulate building standards for new construction and existing housing, signs,  
9 architectural preservation, development in the Civic Center area, rental  
10 inspection and vacant buildings. Within this group that collectively regu-  
11 lates the development, maintenance and use of land, the function of the  
12 Zoning Ordinance is to regulate land use, both site development and utiliza-  
13 tion. Specifically, the Zoning Ordinance is:

14 "An Ordinance of the City of Berkeley, California, adopting a  
15 zoning or districting plan for said City by establishing various  
16 districts in said City, within which certain regulations shall be  
17 in effect, relating to the uses of land and buildings, height limits  
18 of buildings and yards and other open spaces about buildings; re-  
19 quiring that certain permits shall be secured for certain such build-  
20 ings and uses; defining certain terms used herein; specifying the pro-  
21 cedure for the amendment, and prescribing penalties for the violation  
22 of any of the provisions herein."

23 In implementing the Master Plan, a wide variety of approaches will be  
24 relied upon, including private initiative, public programs and capital  
25 improvements as well as regulation. The Zoning Ordinance is essential to  
26 the program of Master Plan realization but is only one ingredient in that  
27  
28



## ELEMENTS FOR CONSIDERATION

The Function of the Zoning Ordinance, Cont'd

1 program. Specifically, revisions to the Zoning Ordinance are designed to  
2 improve the regulation of land development and use consistent with the  
3 Master Plan and other City policy.

The Neighborhood Preservation Ordinance

5 In 1973, the Neighborhood Preservation Ordinance (NPO) initiative was  
6 passed. Adverse impacts of current development trends, deficiencies in the  
7 Master Plan and Zoning Ordinance, procedures for the correction of these  
8 deficiencies and interim regulations are included in the Ordinance. The  
9 NPO cites the following deficiencies in the Zoning Ordinance:

- 10 -- permits high density development which has had adverse impacts.
- 11 -- does not conform to population guidelines of the Master Plan.
- 12 -- fails to provide for a public report concerning the environmental  
13 impact of proposed developments, as required by State law.
- 14 -- makes little provision for neighborhood consideration of the  
15 impact of new development.

16 To remedy these deficiencies together with the deficiencies cited in  
17 the Master Plan, the Planning Commission was mandated to prepare and submit  
18 to the City Council for its consideration a revision of the Master Plan  
19 and Zoning Ordinance.

20 The NPO further called for: 1) a committee of interested citizens (The  
21 Master Plan Revision Committee) to be formed by the City Council to assist  
22 the Planning Commission; and 2) the holding of at least five (5) public  
23 hearings throughout the City by the Planning Commission to insure that the  
24 Planning Commission is adequately informed regarding the priorities and  
25 concerns of Berkeley residents.

26  
27

## ELEMENTS FOR CONSIDERATION

### The Neighborhood Preservation Ordinance, Cont'd

The Master Plan Revision Committee (MPRC) spent over two years preparing its proposals for Master Plan Revision and its reports on Zoning Ordinance revision. These have provided the basis for the Planning Commission's Master Plan and Zoning Ordinance revision proposals. While the MPRC did not submit proposals for Zoning Ordinance revision to the City Planning Commission, they did forward a number of reports by various persons and groups identifying areas of concern and recommending changes.

The Planning Commission held five hearings throughout Berkeley on the MPRC proposals for a revised Master Plan in early 1976. While these were determined by the City Attorney to satisfy the NPO requirements, the Planning Commission felt that further public reaction was needed before submitting its final recommendations for a revised Master Plan and for Zoning Ordinance revision. To obtain this public response, the Commission held three public hearings in October 1976 and a workshop with neighborhood groups in November 1976. Following these hearings the Commission analyzed testimony received from all sources which led to further refinement and policy changes.

### The Interim NPO Procedures

In order to regulate the issuance of permits during the period between enactment of NPO and the final acceptance by the Berkeley City Council of the revised Master Plan and Zoning Ordinance, the NPO established interim controls on new residential construction and housing demolition. These regulations deal with the provision of low income units in new buildings of four or more units, criteria for granting permits, demolition/and relocation controls



## ELEMENTS FOR CONSIDERATION

The Interim NPO Procedures, Cont'd

1 requirements. Later the City Council added a provision to the Zoning Ordinance to control the conversion of residential uses to non-residential uses.

2  
3 In order to determine if there is a need for interim regulations after  
4 final acceptance by the Berkeley City Council of the revised Master Plan and  
5 Zoning Ordinance, the specific interim regulations presently in effect were  
6 evaluated individually.

- 7 1) Requirements that proposals be consistent with the Zoning  
8 Ordinance and not detrimental.

9 These requirements are included in the present  
10 Zoning Ordinance.

- 11 2) Neighborhood Notification Procedures

12 Zoning Ordinance amendments to revise notification procedures  
13 were adopted by the City Council in December 1976. Previous to  
14 that date the revised procedures were in effect administratively.

- 15 3) Affirmative Action, Demolition and Relocation Rules and  
16 Procedures.

17 If these are determined to be consistent with policy  
18 they should be included by the City Council in appropriate ordinances. They are not within the scope of  
19 zoning controls.  
20

- 21 4) Requirement for Provision of Low Income Housing in New  
22 Buildings of four or more units.

23

24

25

26

27



ELEMENTS FOR CONSIDERATION

The Interim NPO Procedures, Cont'd

The Planning Commission is acutely aware of the need for more low and moderate income housing in Berkeley. A goal of housing policies in the proposed Master Plan is adequate housing for all Berkeley residents at a range of prices they can afford. The Commission, however, is doubtful that the current requirement that 25% of new units in buildings of four or more units to serve lower income households will result in the provision of new low income housing. Since passage of the NPO in 1973 no buildings of four or more units have been constructed in Berkeley. Other factors such as the interim nature of the regulations, the scarcity of sites, the economic recession and high interest rates have contributed to this lack of development. As soon as possible, the Planning Commission will evaluate alternatives and recommend permanent regulations to induce construction of more lower income units.

The Planning Commission also considered whether to recommend continuation of the 25% requirement until new low income regulations can be adopted but was unable to reach a conclusion on this issue.

5) Environmental Review Procedures

Local guidelines for implementing the CEQA were adopted by the City Council in July 1974 and have replaced NPO interim regulations on environmental review since that date.

## ELEMENTS FOR CONSIDERATION

The Interim NPO Porcedures. Cont'd

1 Based upon this review of the individual interim regulations, the  
2 following conclusions were reached:

3 THE PLANNING COMMISSION FINDS THAT AFTER FINAL  
4 ACCEPTANCE BY THE CITY COUNCIL OF THE REVISED  
5 MASTER PLAN AND ZONING ORDINANCE THE INTERIM NPO  
6 REGULATIONS WILL NO LONGER BE NEEDED BUT THE  
7 PLANNING COMMISSION IS UNDECIDED ON THE ADVIS-  
8 ABILITY OF CONTINUING A REQUIREMENT THAT 25% OF  
9 UNITS IN NEW BUILDINGS OF FOUR OR MORE UNITS  
10 SERVE LOWER INCOME HOUSEHOLDS.  
11

State Planning Law

12 The State Planning Law on Zoning Regulation (Government Code, Title 7,  
13 Chapter 4) permits cities and counties to adopt and administer Zoning Ordina-  
14 nances within legislative limits. State law provisions define the scope of  
15 power to regulate by zoning, procedures for the adoption or amendment of a  
16 Zoning Ordinance, provision for interim ordinances as emergency measures and  
17 consistency of any Zoning Ordinance with the General Plan. Specifically, the  
18 Law states that "A Zoning Ordinance shall be consistent with a City and  
19 County General Plan only if: 1) the City or County has officially adopted such  
20 a plan; and 2) the various land uses authorized by the Ordinance are com-  
21 patible with the objectives, policies, general uses and programs specified in  
22 such a Plan." This standard has been adopted by the Planning Commission in  
23 evaluating the need for Zoning Ordinance revisions and recommendations for  
24 revision.  
25  
26  
27

1 ELEMENTS FOR CONSIDERATION

2 Zoning Ordinance Revisions Since Enactment of the NPO

3 Berkeley has been concerned about the Zoning Ordinance problems cited in  
4 the NPO for some time. Both before and since its passage and apart from the  
5 formal Master Plan revision process, significant Zoning Ordinance Revisions and  
6 reclassifications have taken place. Many directly respond to the deficiencies  
7 cited in the Ordinance. Specifically:

- 8 - In all multiple residential zones, i.e., R-2A, R-3, R-4 and R-5, the  
9 intensity of development permitted has been reduced. The major por-  
10 tion of these amendments to the zoning regulations was adopted by  
11 Council in July 1973, three months after adoption of the NPO. The  
12 Planning Commission had devoted more than a year to intensive study  
13 of the apartment zoning regulations. Together with reclassifications  
14 these regulations already adopted will prevent the adverse impacts of  
15 high density development.
- 16 - Large areas have been reclassified "down" to more restrictive resi-  
17 dential zones after study by and upon the recommendation of the  
18 Commission. This contributes to remedying potentially adverse  
19 effects of high density development in inappropriate locations.
- 20 - The Zoning Ordinance text has been revised to review and regulate;  
21 a) a wider variety of commercial uses; b) the conversion of resi-  
22 dential uses to non-residential use, with specific guidelines to  
23 be met; c) the relocation of buildings; and d) development of park-  
24 ing lots.

25 These amendments to commercial zoning were designed to regulate  
26 situations which were deemed to be adversely affecting residential  
27 areas. To obtain consistency with Planning Commission proposed  
28 Master Plan policies, further modification of provisions on conver-  
sions and commercial uses is being proposed.



## ELEMENTS FOR CONSIDERATION

Zoning Ordinance Revisions since Enactment of the NPO, Cont'd

-- Revised notification procedures have been instituted administratively since 1974 and were adopted by City Council in 1976. These changes remedy deficiencies of resident review at the neighborhood level of significant new developments or changes in land use.

Process for Zoning Revision

A number of activities have been occurring simultaneously that directly affect zoning revision. These include:

- A) Enactment of zoning revisions and reclassifications as described above.
- B) Imposition of an interim ordinance restricting commercial uses in the Elmwood area and work with the Elmwood area merchants and residents to develop a new commercial zone to more effectively regulate neighborhood shopping centers.
- C) Study by the Master Plan Revision Committee which resulted in a series of reports covering many aspects of the Zoning Ordinance.
- D) Preparation by the Planning Commission of final recommendations on a revised Master Plan with which the Zoning Ordinance must be consistent. The land use proposals that the Planning Commission will recommend dramatically lower planned residential densities in many areas.

To handle revisions in an orderly and expeditious manner: the Planning Commission recommends that a two phase program be established. The first phase which is described in the next section of the report, deals with those Zoning Ordinance text and map revisions which are needed to:

## ELEMENTS FOR CONSIDERATION

Process for Zoning Revision, Cont'd

- 1           a) Bring the Zoning Ordinance into consistency with the revised Master  
2           Plan;  
3           b) Remove the need for further interim regulations.

4           The steps and schedule for implementing this phase of zoning revision  
5 is attached.

6           Phase II will provide a comprehensive revision of the format and language  
7 of the Zoning Ordinance. Substantive revisions will be required to clarify  
8 the intent and remedy problems that occur in ordinance administration.  
9 Since adoption of the Zoning Ordinance, innumerable text changes have been  
10 enacted to meet changing conditions in the community. Such amendments are  
11 necessary, but after 27 years the result is an ordinance which is difficult  
12 to interpret. The person wanting to develop property is hard put to locate  
13 within the Ordinance all the sections which may apply--how the land can  
14 be developed and what procedures he <sup>or she</sup> may be subject to. Administration of the  
15 Ordinance is made difficult by ambiguities and internal inconsistencies. If  
16 these problems are to be ameliorated, the entire ordinance must be overhauled.  
17 Phase II will carry out this project.

11

11

PHASE I: ZONING ORDINANCE TEXT REVISION

1 The purpose of the Phase I Zoning Revision is to bring the Zoning Ordinance into consistency with the revised Master Plan. In terms of text revision, the Commercial Zones will receive primary attention. Recent experience has revealed the extent to which present controls are inadequate to encourage appropriate types of development and prevent development that is inconsistent with community objectives. Master Plan policies also mandate changes in residential districts and the General Provisions and Exceptions chapter in the text. In the Phase I - Zoning Ordinance Revision covered in this section of the report, these text changes are explained and a series of reclassifications is recommended which, if approved by the City Council, will be initiated by the Planning Commission following adoption of the Master Plan.

12 PHASE I - TEXT REVISION

13 General Provisions

14 There are a number of provisions, definitions and procedures in the Zoning Ordinance which apply to all districts. While largely consistent with the draft Master Plan, several sections need to be examined for their consistency with Master Plan policies.

18 1) Procedure for conversion of residential uses to non-residential use. At present, Section 15.1-1 sets up criteria and procedures for any conversion of dwelling units to non-residential use. The Planning Commission in the Housing Element adopted the following policy: "In residentially zoned areas, do not permit the demolition of housing or its conversion to non-residential use unless: 1) a greater public need is served which can be feasibly met in no other way; 2) replacement housing is provided within a reasonable time; or 3) the structure to be demolished cannot economically be repaired."

26 Section 15.1-1 applies to housing regardless of the zoning of the land upon which it is located and its criteria for approval are inconsistent with those defined above.



## ZONING ORDINANCE TEXT REVISION

General Provisions, Cont'd

1 THE PLANNING COMMISSION RECOMMENDS THAT

2 SECTION 15.1-1 BE REPEALED.

3 All non-residential uses in residential zones (to the extent they are  
4 permitted at all) are subject to obtaining a Use Permit. To meet the Master  
5 Plan policy cited above,

6 THE PLANNING COMMISSION RECOMMENDS THAT USE PERMIT  
7 APPLICATIONS WHICH INVOLVE THE CONVERSION OF A RESI-  
8 DENTIAL UNIT IN A RESIDENTIAL ZONE TO A NON-RESIDENTIAL  
9 USE BE GRANTED ONLY IF, IN ADDITION TO OTHER FINDINGS  
10 OR REQUIREMENTS, A GREATER PUBLIC NEED IS SERVED THAT  
11 CAN BE FEASIBLY MET IN NO OTHER WAY OR REPLACEMENT  
12 HOUSING IS PROVIDED WITHIN A REASONABLE TIME.

13 2) Definition of "family." The existing Zoning Ordinance defines a  
14 family as "one or more persons related by blood, marriage or adoption and,  
15 in addition, any domestic servants or gratuitous guests thereof who are  
16 living together in a single dwelling unit and maintaining a common  
17 household." Persons living together who do not meet the definition of  
18 family above are treated as roomers and are subject to limitations on numbers  
19 permitted and off-street parking required.

20 The Housing Element contains a policy which states that "as long as occu-  
21 pancy is consistent with density and environmental standards, (act to  
22 eliminate) discrimination based on marital status, student status or house-  
23 hold makeup." The crux of the issue is whether the definition of a family  
24 can be changed to eliminate discrimination without compromising density and  
25 environmental standards.

26 Alternative ways of controlling occupancy to maintain density and  
27

## ZONING ORDINANCE TEXT REVISION

General Provisions, Cont'd

1 environmental standards are being investigated. One approach is to restrict  
2 the number of cars a household can have that rely upon public on-street park-  
3 ing for storage. This approach responds to a common problem of many cars  
4 owned by occupants of a household made up of many adults. The legality and  
5 feasibility for administration of such provisions is being explored. Based  
6 upon these considerations,

7 THE PLANNING COMMISSION RECOMMENDS THAT METHODS FOR  
8 MAINTAINING ENVIRONMENTAL STANDARDS BE STUDIED AND  
9 THE DEFINITION OF FAMILY IN THE ZONING ORDINANCE BE  
10 CHANGED TO "ONE OR TWO PERSONS TOGETHER WITH THEIR  
11 RELATIVES BY BLOOD OR ADOPTION LIVING IN A SINGLE  
12 DWELLING UNIT AND MAINTAINING A COMMON HOUSEHOLD."

Commercial Zones

14 A great deal of time in recent years has been devoted to updating the  
15 commercial zones. A separate ordinance was developed to regulate street  
16 vending. Amendments to existing commercial zones have been made requiring  
17 more commercial uses to be subject to the Board of Adjustment review.  
18 Temporary interim regulations have been applied in the Elmwood shopping area.  
19 Department staff have been working with the Elmwood area/merchants to develop  
20 a zoning district which will implement their goals of restricting the size  
21 and number of commercial activities and instituting more opportunities for  
22 review. A number of specific requests for changes in commercial zoning are  
23 pending.

24 There are at present five commercial zones: Office-residential (O-R)  
25 limited commercial (C-1), central commercial (C-2), general commercial (C-3),  
26 and planned shopping (P-S). The Central Business District is zoned C-2;  
27

## ZONING ORDINANCE TEXT REVISION

Commercial Zones, Cont'd

1 a small parcel at Rose and Shattuck is zoned O-R; three blocks south from the  
2 Albany line along San Pablo Avenue are zoned C-3; and two sites along north  
3 Shattuck are zoned P-S. All other commercial zoning in Berkeley is C-1.

4 The draft Master Plan identifies the distinct functions of four types of  
5 commercial areas:

6 -- The Central District: Diverse center of commerce, government and  
7 cultural activities for Berkeley.

8 -- Commercial Service District: Auto-oriented commercial activities.

9 -- Community Commercial Districts: Intermediate-sized commercial  
10 centers which provide a wide variety of shopping goods and services  
11 to residents.

12 -- Neighborhood Commercial Districts: Small-sized commercial centers  
13 intended to provide for day to day needs of adjacent residents.

14 Additionally, the draft Master Plan sets forth policies to encourage  
15 regional commercial activities to locate in the central district, to prevent  
16 traffic and parking intrusions into adjacent residential areas, to insure  
17 compatibility with adjacent residential areas, to encourage the up-grading  
18 of commercial centers and to encourage high density residential development  
19 in appropriate locations in commercial districts.

20 The Transportation Element establishes policies on parking and transit  
21 service which will also be reflected as applicable in commercial zoning.

22 If the administrative problems of the existing commercial zones are to be  
23 alleviated and the policies of the Master Plan are to be implemented, a com-  
24 plete revision of all commercial zones is needed.

25 THE PLANNING COMMISSION SPECIFICALLY RECOMMENDS THE  
26 FOLLOWING PROGRAM OF COMMERCIAL ZONING REVISIONS.



## ZONING ORDINANCE TEXT REVISION

Commercial Zones, Cont'd

-- ALL THE PRESENT COMMERCIAL ZONES BE RESTRUCTURED TO BE COMPATIBLE WITH REVISED MASTER PLAN POLICIES WITH THE PURPOSE OF EACH DISTRICT DEFINED IN ACCORDANCE WITH MASTER PLAN POLICIES.

-- A RESTRICTED COMMERCIAL ZONE BE DEVELOPED WHICH LIMITS THE SCALE AND TYPES OF ACTIVITIES PERMITTED IN COMMERCIAL LOCATIONS WHERE A SENSITIVE RELATIONSHIP WITH ADJACENT RESIDENTIAL AREAS EXISTS.

-- THE CRITERIA FOR EVALUATING COMMERCIAL USE PERMIT APPLICATIONS WILL BE EXPANDED TO INCLUDE: a) WILL NOT INCREASE TRAFFIC OR PARKING TO ADVERSELY AFFECT ADJOINING RESIDENTIAL AREAS OR TRANSIT SERVICE; AND b) IS CONSISTENT WITH THE PURPOSES OF THE DISTRICT.

This program will be the largest single component of Phase I text revisions. Priority will be given to development of the restricted commercial zone so that interim regulations for the Elmwood area can be terminated.

Residential Zones

1. In-Law Apartments: In the existing ordinance, a separate apartment\*for the use of a relative of the family occupying the principal quarters is permitted. The restrictions are that it be part of the same building as the principal quarters, contain not more than 500 square feet or one-third of the gross floor area (whichever is less) and be subject to securing a Use Permit. These permits require a deed acknowledgment that the units are for identified relatives only. Units developed under this provision in the past have raised many issues.

\*In addition to what is allowed by the zoning district.

## ZONING ORDINANCE TEXT REVISION

Residential Zones, Cont'd

Reasons for continuing this provision include:

- a) It enables older persons to live independently in low density areas with relatives and supports the Housing Element policy that elderly persons have access to an adequate supply of housing; and
- b) The units do not normally create more living space but rather reallocate it so do not increase density.

Reasons set forth for discontinuing this provision include:

- a) Units originally developed for a relative may later be rented to others;
- b) The splitting up of a unit into two is an increase in density; density standards for each residential zone should apply to all buildings alike; and
- c) An extra separate rental unit within a house or building increases the building's value and, therefore, its tax assessments. This may cause other houses or buildings to have assessments raised because of their proximity to buildings with "in-law" units. (The validity of this assertion is uncertain.)

To retain the beneficial features of this provision while responding to the extent possible to the problems identified:

THE PLANNING COMMISSION RECOMMENDS THAT THE PROVISION IN RESIDENTIAL ZONES PERMITTING A SEPARATE APARTMENT (UPON SECURING A USE PERMIT) BE RETAINED SUBJECT TO THE FOLLOWING CONDITIONS:

1. OCCUPANCY BY ONE OR TWO PERSONS RELATED BY BLOOD, MARRIAGE OR ADOPTION TO A RESIDENT OF THE PRINCIPAL QUARTERS OR A FORMER OWNER 55 YEARS OR OLDER WHO

## ZONING ORDINANCE TEXT REVISION

Residential Zones, Cont'd

- 1 HAS OCCUPIED THE PRINCIPAL QUARTERS FOR A MINIMUM
- 2 OF FIVE YEARS PRIOR TO SALE OF THE PROPERTY.
- 3 2. NO EXTERIOR ALTERATIONS SHALL BE MADE THAT CHANGE
- 4 THE APPEARANCE OF THE DWELLING.
- 5 3. THE MAXIMUM PERMITTED NUMBER OF PERSONS RENTING
- 6 ROOMS IN A DWELLING SHALL BE REDUCED BY THE NUM-
- 7 BER OF OCCUPANTS IN PERMITTED ACCESSORY APARTMENTS.
- 8 4. ONE OFF-STREET PARKING SPACE, IN ADDITION TO THE
- 9 SPACE REQUIRED FOR THE PRINCIPAL QUARTERS, SHALL
- 10 BE PROVIDED.
- 11 5. THE ALTERATIONS WHICH MUST BE MADE AND THE FA-
- 12 CILITIES WHICH MUST BE REMOVED UPON TERMINATION OF
- 13 THE USE PERMIT IN ORDER TO ELIMINATE THE APARTMENT
- 14 SHALL BE SPECIFIED IN THE PERMIT AND THE PERMITTEE
- 15 SHALL AGREE IN WRITING TO MAKE SUCH ALTERATIONS UPON
- 16 TERMINATION OF THE PERMIT.
- 17 6. THE PERMIT SHALL BE AUTOMATICALLY TERMINATED WHEN
- 18 THE PREMISES CEASE TO BE OCCUPIED BY THE PERSONS FOR
- 19 WHOM IT WAS ISSUED.
- 20 7. THE PERMITTEE SHALL RECORD WITH THE ALAMEDA COUNTY
- 21 RECORDER'S OFFICE A STATEMENT OF THE AGREED CONDI-
- 22 TIONS FOR CONTINUANCE OF THE SEPARATE APARTMENT.
- 23 8. THE CONDITIONS OF THE USE PERMIT MUST BE RECERTI-
- 24 FIED ANNUALLY WITH PAYMENT OF AN APPROPRIATE FEE.
- 25
- 26
- 27



## ZONING ORDINANCE TEXT REVISION

Residential Zones, Cont'd

2. Roomers. Existing zoning regulations permit up to four roomers as an incidental use in any dwelling as long as an additional parking space is provided for each two roomers. No Use Permit is required. By having no review process, this can lead to incompatible increases in density. To insure that density standards of the Master Plan are maintained:

THE PLANNING COMMISSION RECOMMENDS THAT A USE PERMIT BE  
REQUIRED FOR RENTING ROOMS TO MORE THAN TWO PERSONS AND  
THAT AN ADDITIONAL OFF STREET PARKING SPACE BE REQUIRED  
FOR EACH ROOMER OVER TWO.

and Moderate  
3. Low/Income Housing. In order to meet the needs of its lower income households, Berkeley is exploring all potential methods for stimulating the and moderate development of more low/income housing. Many other localities face similar challenges and a number of innovative approaches are being studied and tested. Regulations must stimulate the provision of low/income housing without inhibiting the development of other needed new housing. To accomplish this:

THE PLANNING COMMISSION RECOMMENDS THAT METHODS FOR EN-  
AND MODERATE  
COURAGING THE PROVISION OF LOW/ INCOME HOUSING BE STUDIED  
AND RECOMMENDATIONS FOR PERMANENT REGULATIONS TO MEET  
THIS OBJECTIVE BE DEVELOPED.

Industrial Districts

Environmental Standards. Present development controls in the Manufacturing District do not adequately establish environmental standards applicable to new development. To meet Master Plan policies for improving the economic viability and attractiveness of the industrial area,

THE PLANNING COMMISSION RECOMMENDS THAT APPROPRIATE  
STANDARDS FOR SITE DEVELOPMENT, NOISE AND AIR POLLUTION  
BE DEVELOPED AND ENACTED.

## ZONING ORDINANCE TEXT REVISION

Environmental Safety District

1           In areas of known hazard, the purposes of the Environmental Safety Dis-  
2       trict are to: 1) protect the lives and property of residents and avoid  
3       destruction or damage to the natural environment through the application of  
4       special development regulations; 2) to limit the uses of land permitted to  
5       those necessary to serve the housing and access needs of the inhabitants;  
6       3) to limit the size and occupancy of residential structures; and 4) to assure  
7       the effective use of emergency measures available to save lives and property."  
8       The present regulations rely on development limitations to achieve the pur-  
9       poses of the district. To be consistent with Master Plan policies on Seismic  
10      and Safety, performance standards identifying levels of risk and appropriate  
11      requirements are needed. To meet these policies,

12                   THE PLANNING COMMISSION RECOMMENDS THAT STANDARDS  
13                   FOR ENVIRONMENTAL SAFETY IN AREAS OF SPECIAL HAZARD  
14                   BE DEVELOPED AND ENACTED.

## PHASE I: ZONING ORDINANCE MAP REVISION

The Planning Commission, as part of the comprehensive revision of the Master Plan, approved a Land Use Element which included a substantially revised Land Use Map. In order to bring the zoning map into conformance with the proposed policies, a substantial revision was required. The staff in translating the land use proposals into zoning recommendations utilized the following assumptions:

- No residential properties zoned R-2 or lower were considered for modification
- No private property has been retained in the R-5 Zone; however, the R-5 density standards will apply to new housing in the CBD and other select commercial areas.
- Where feasible, reduced commercially zoned properties which were not being so utilized or where its development might prove detrimental to the surrounding neighborhoods.
- Residential zoning modifications were a result of:
  - Land Use Element policies
  - Existing development
  - Lot sizes
  - Neighborhood requests
  - Staff suggestions

The proposed changes have been numbered for reference purposes on the key map and shown in detail on the area maps where the present zoning is compared with the recommended zoning.

THE FOLLOWING PROPOSED MAP CHANGES ARE FOR DISCUSSION PURPOSES ONLY

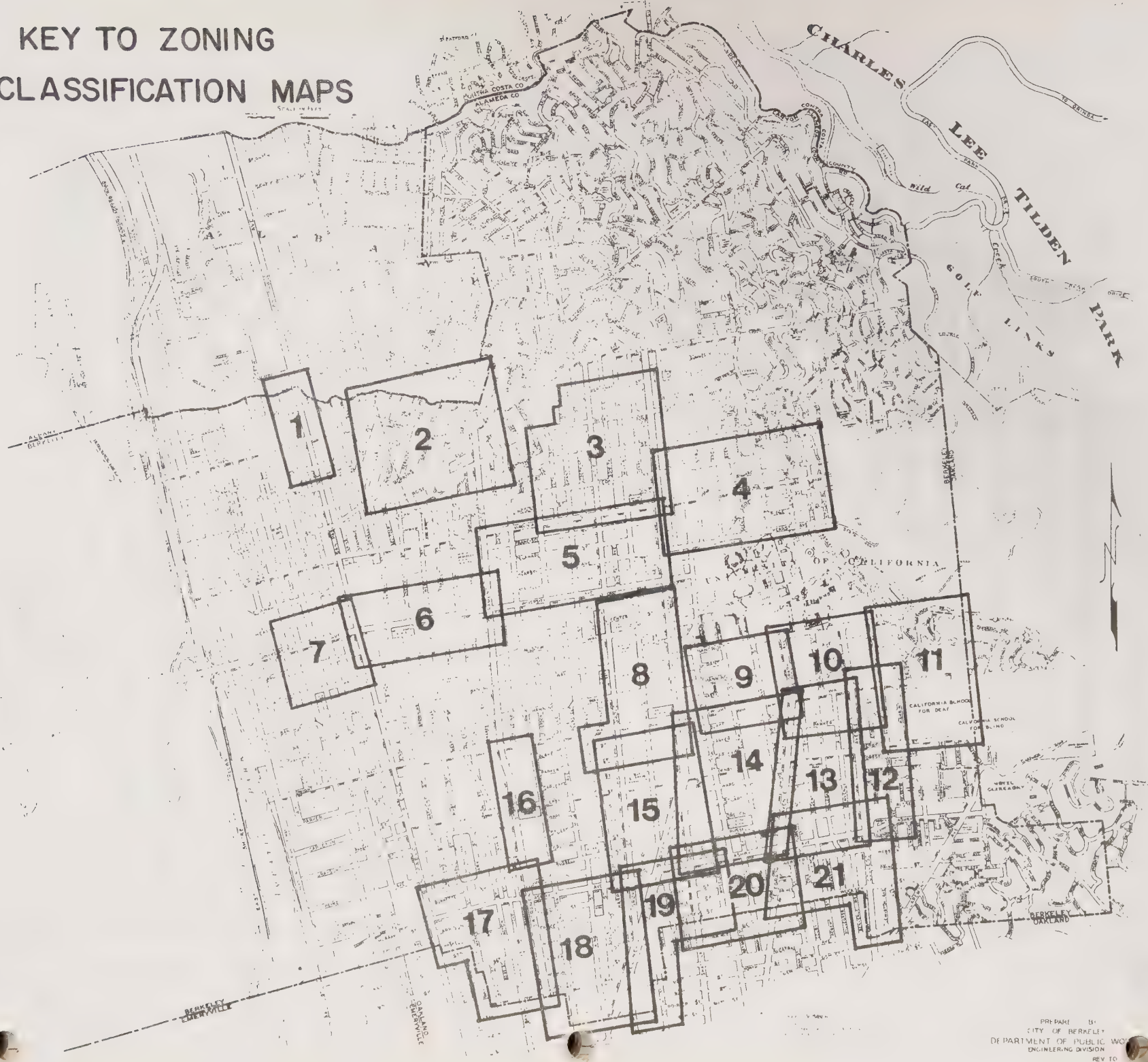
BEFORE THE ZONING CLASSIFICATION COVERING ANY PARCEL OF LAND IS CHANGED, THE FOLLOWING STEPS MUST OCCUR:

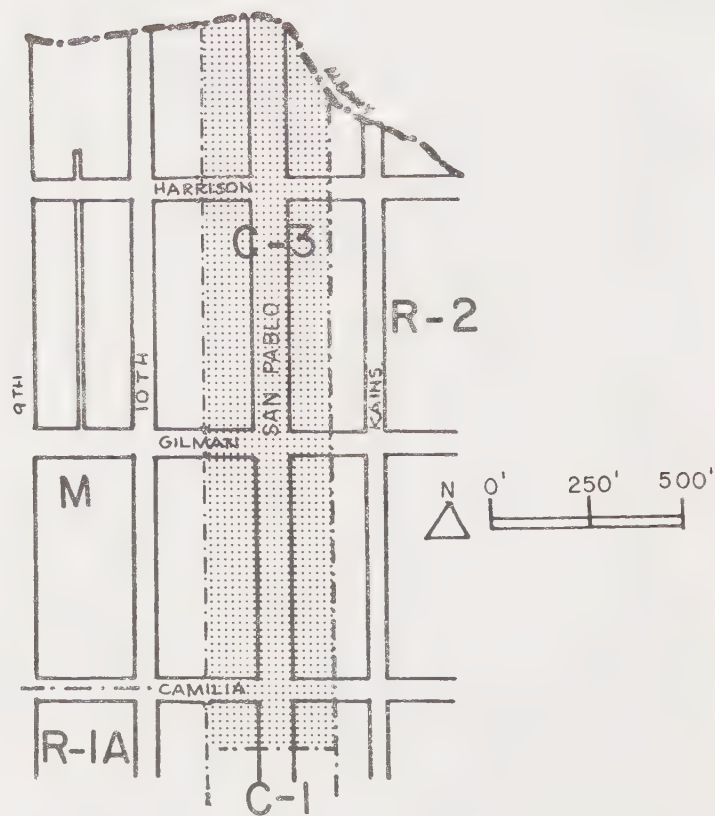


1. INITIATION OF RECLASSIFICATION BY THE PLANNING COMMISSION  
OR CITY COUNCIL
2. EXTENSIVE NOTIFICATION OF AFFECTED PERSONS
3. PUBLIC HEARING BEFORE THE PLANNING COMMISSION, AND
4. APPROVAL BY THE PLANNING COMMISSION AND CITY COUNCIL


ADDITIONAL PROPOSALS FOR REZONING OR CHANGES IN THESE PRELIMINARY RECOMMENDATIONS CAN BE MADE BY INDIVIDUALS AND GROUPS DURING THE COURSE OF THE MASTER PLAN PUBLIC HEARINGS, OR AT THE TIME THE SPECIFIC RECLASSIFICATIONS ARE INITIATED.

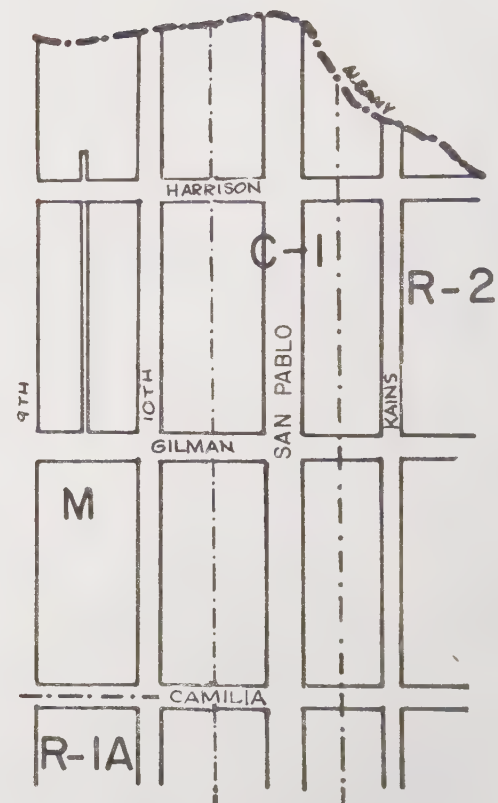
# KEY TO ZONING RECLASSIFICATION MAPS





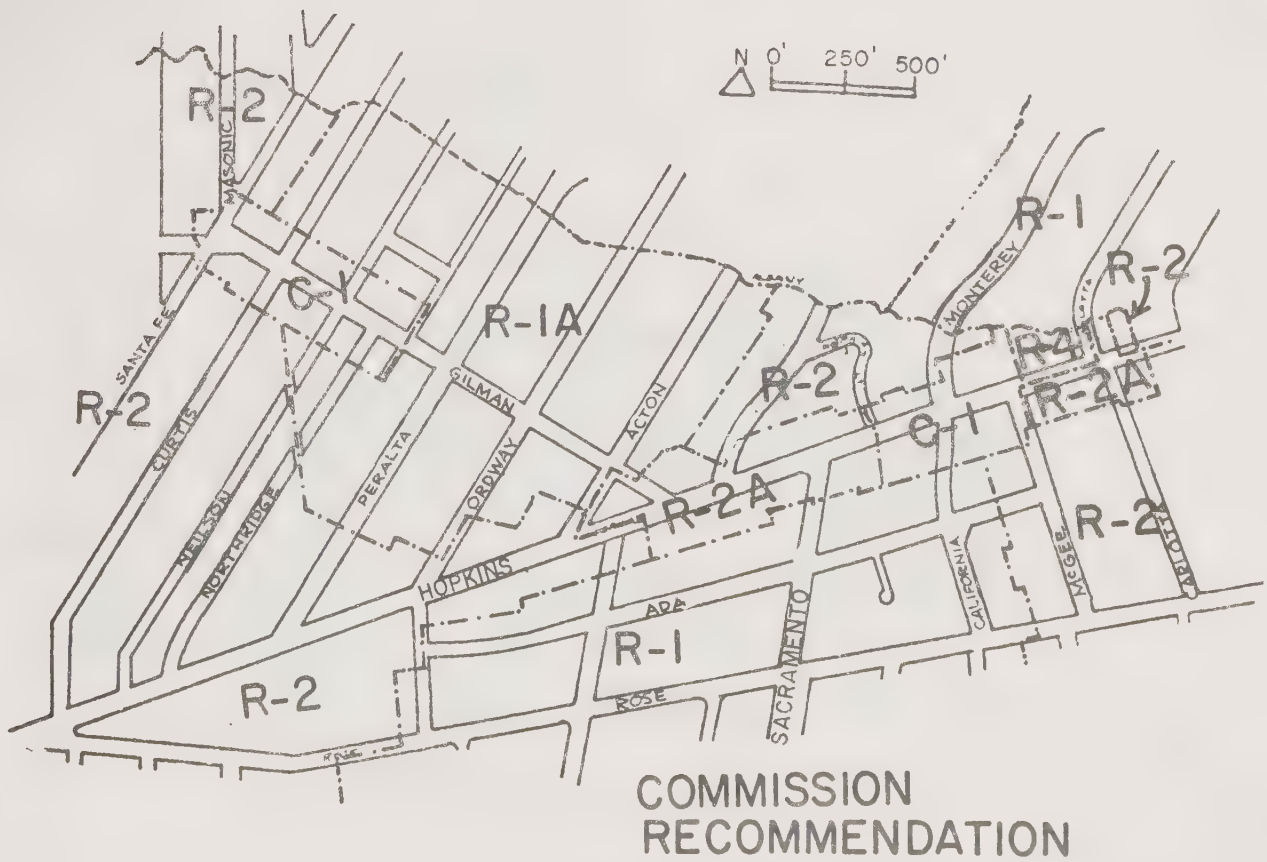
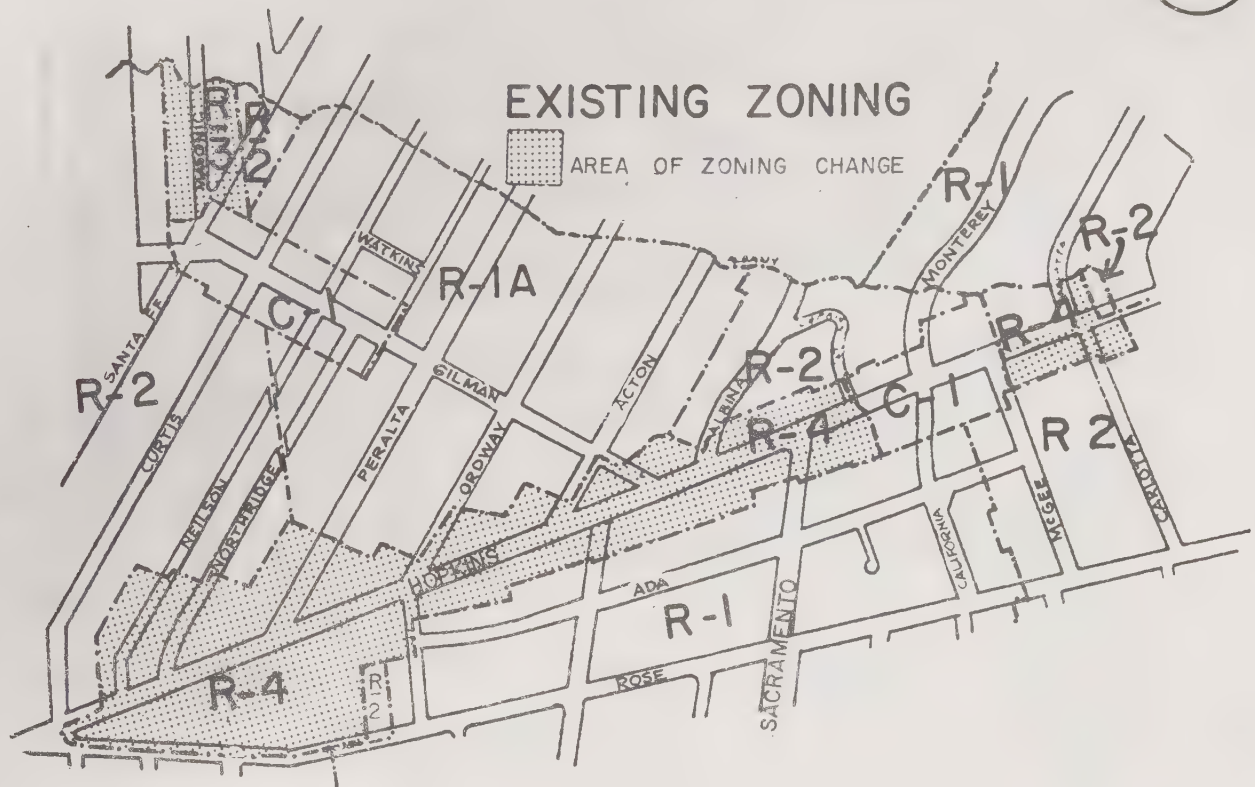
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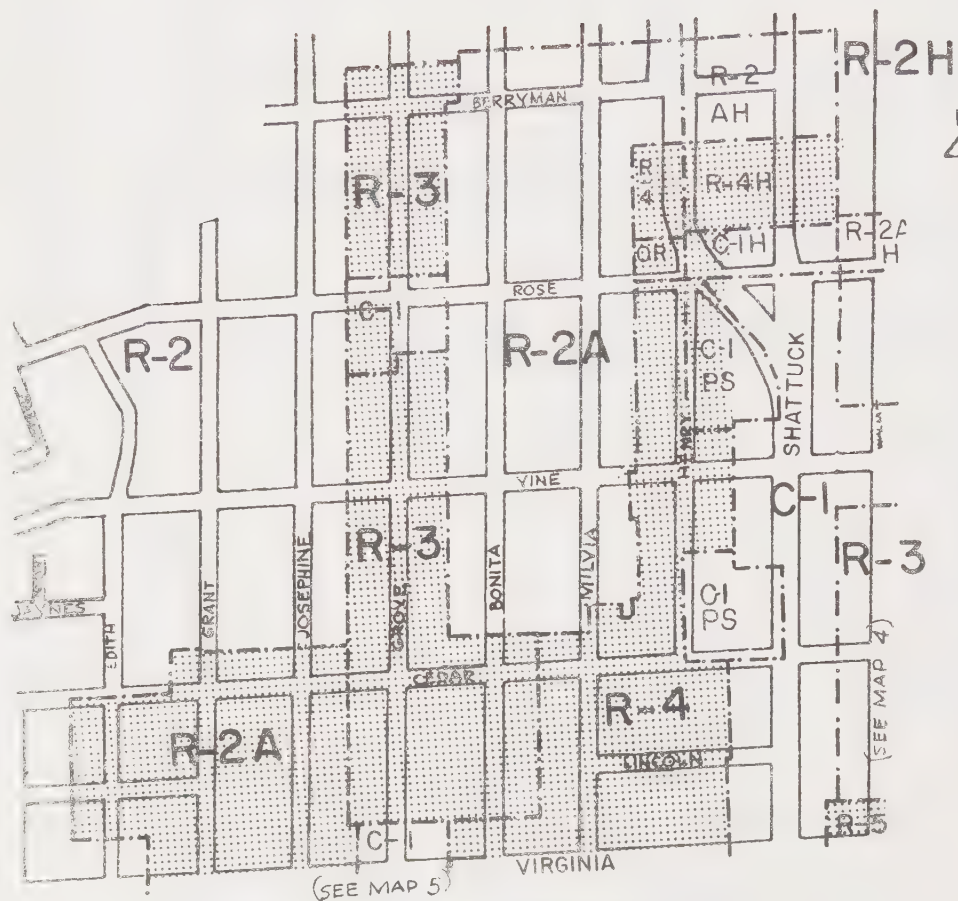
 AREA OF ZONING CHANGE



### COMMISSION RECOMMENDATION



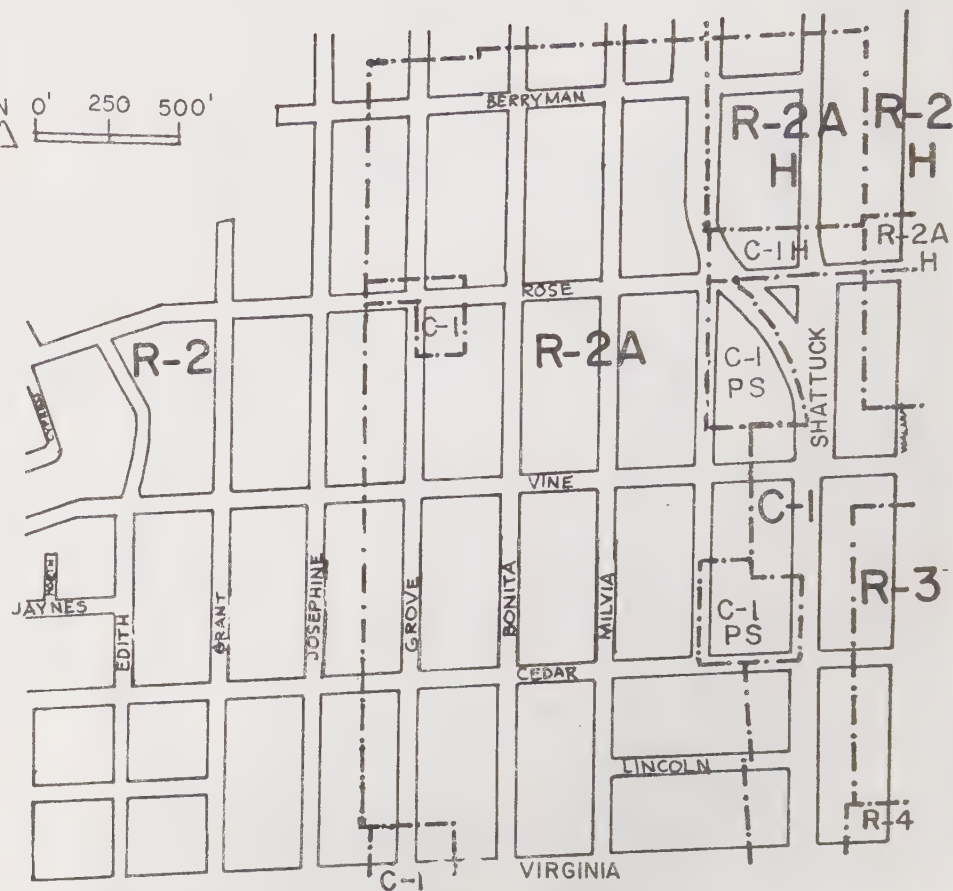




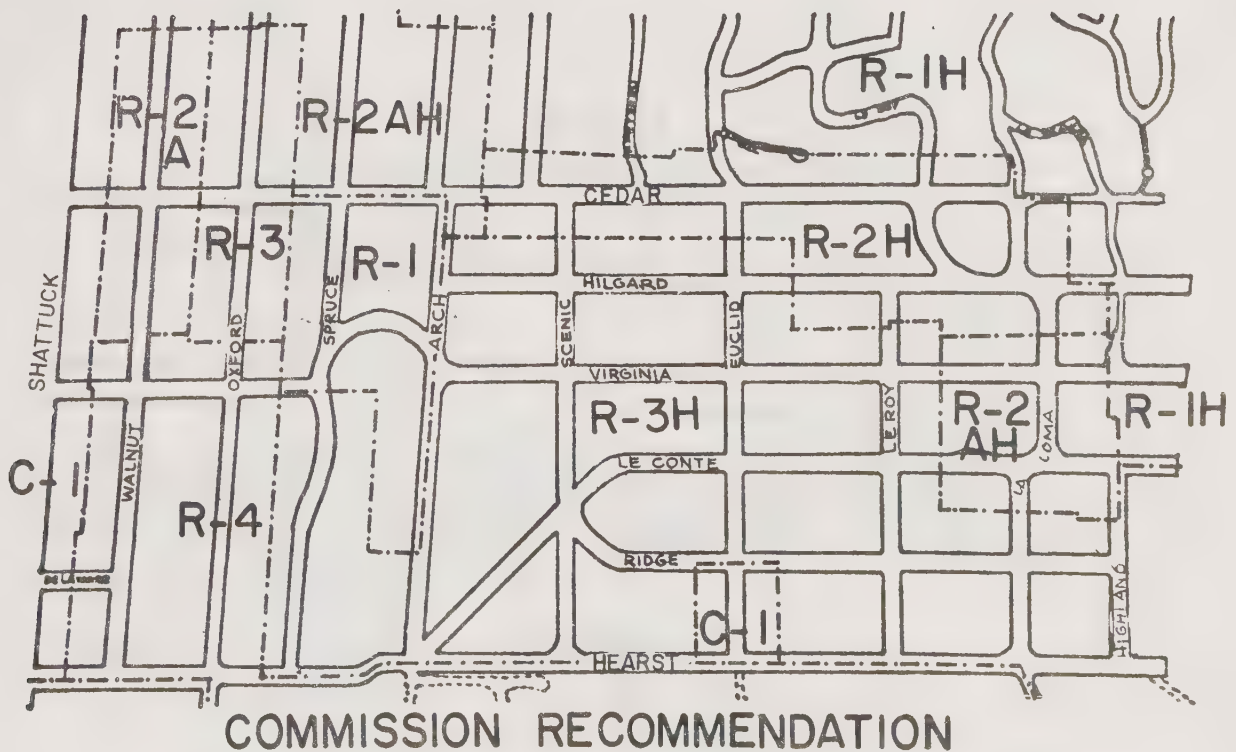
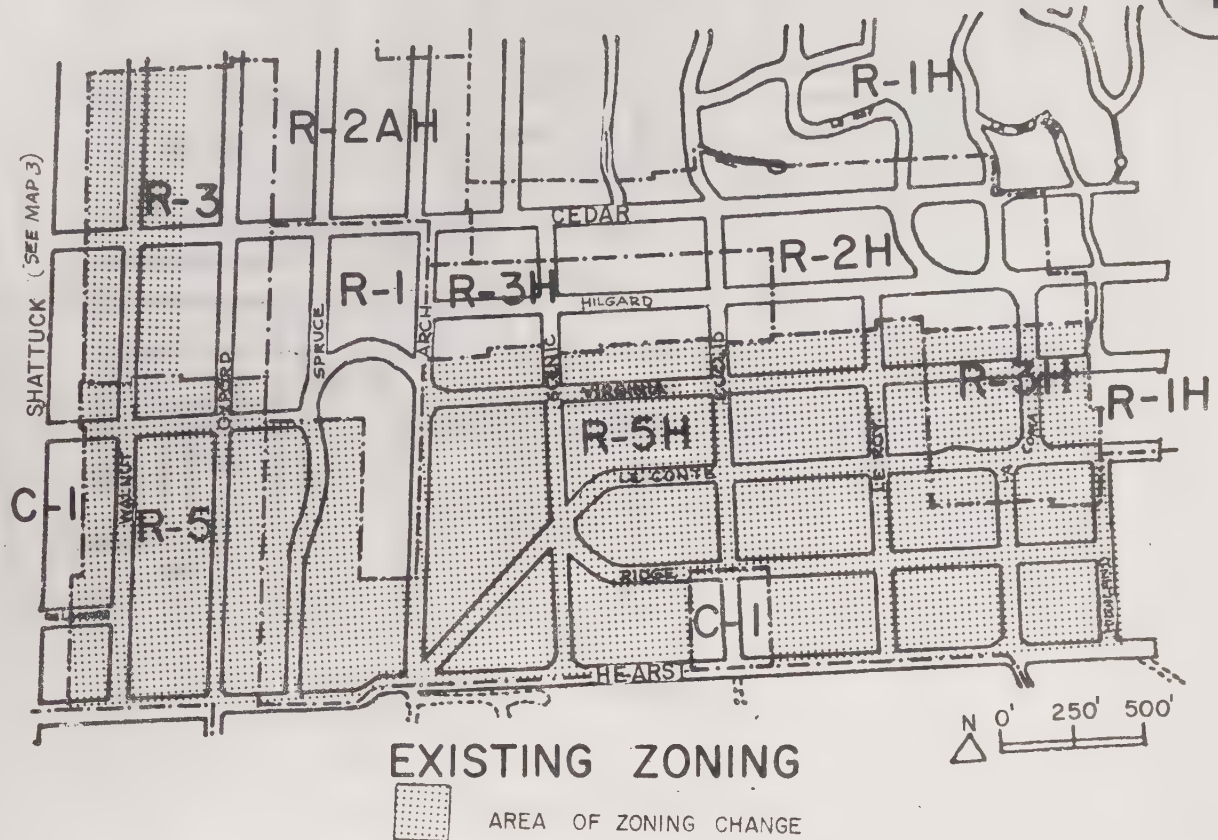
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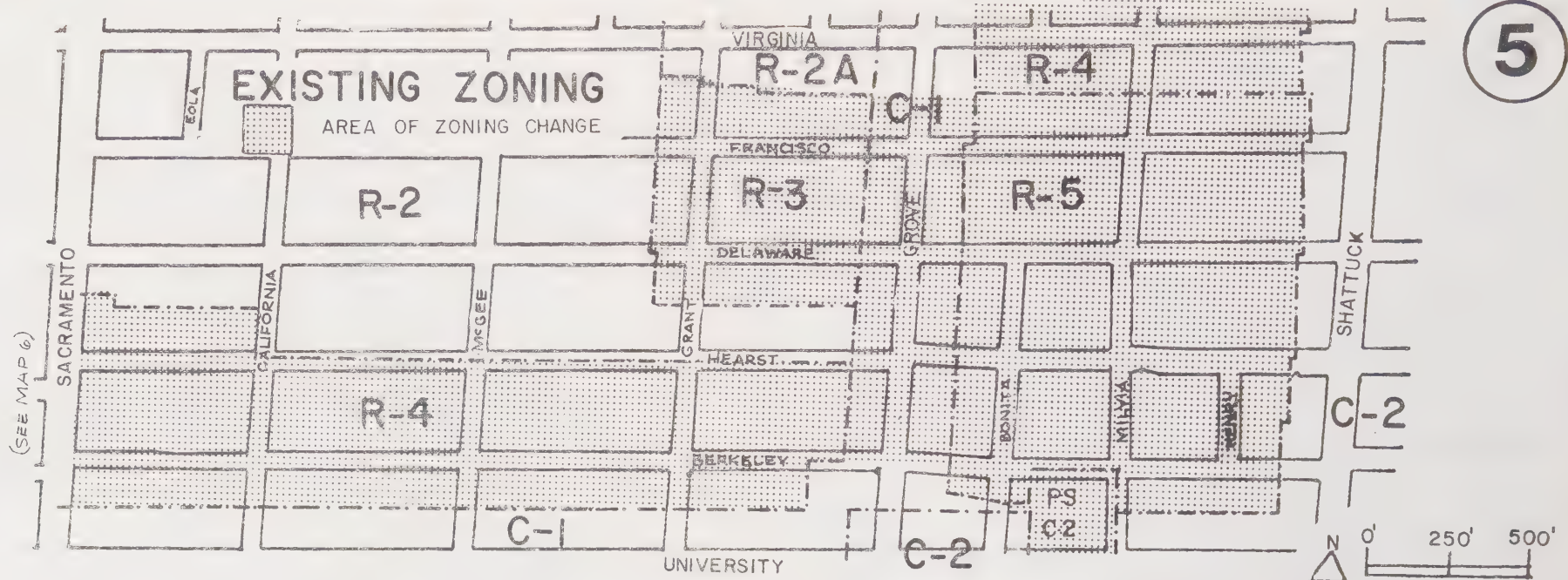
AREA OF ZONING CHANGE



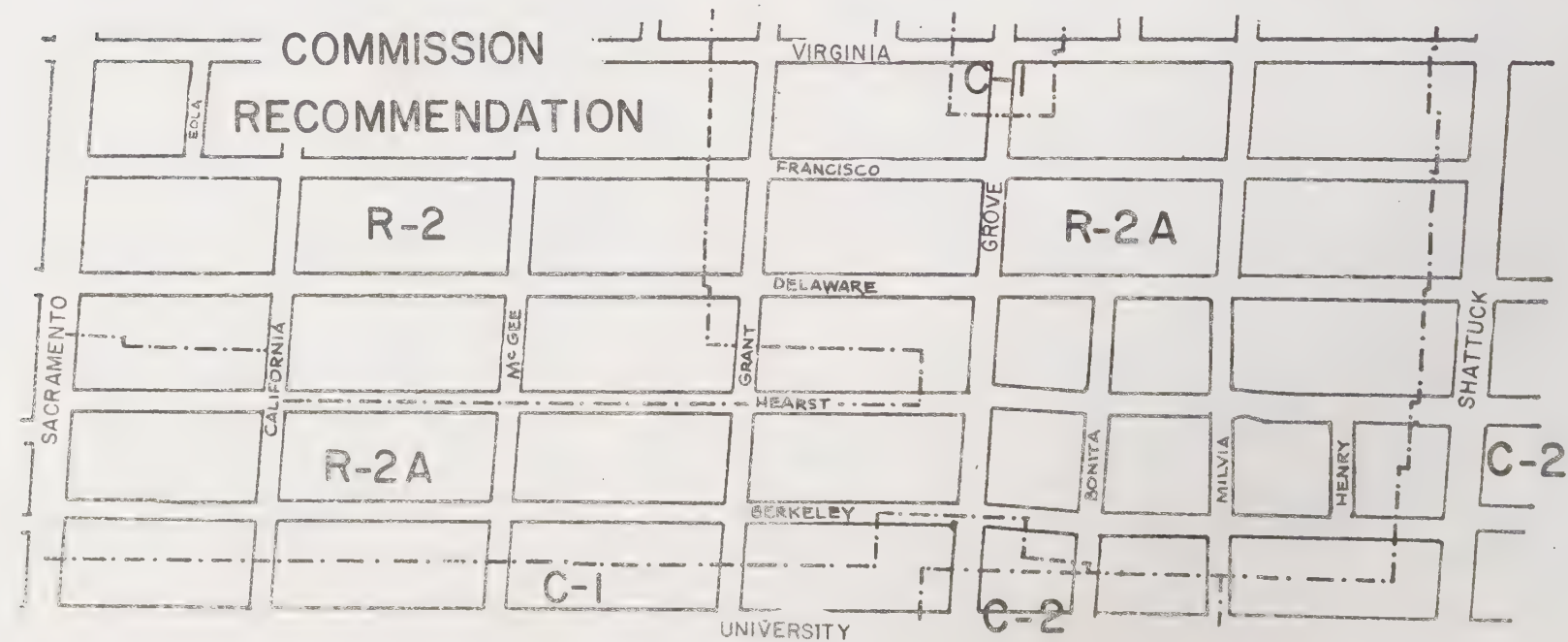
### COMMISSION RECOMMENDATION

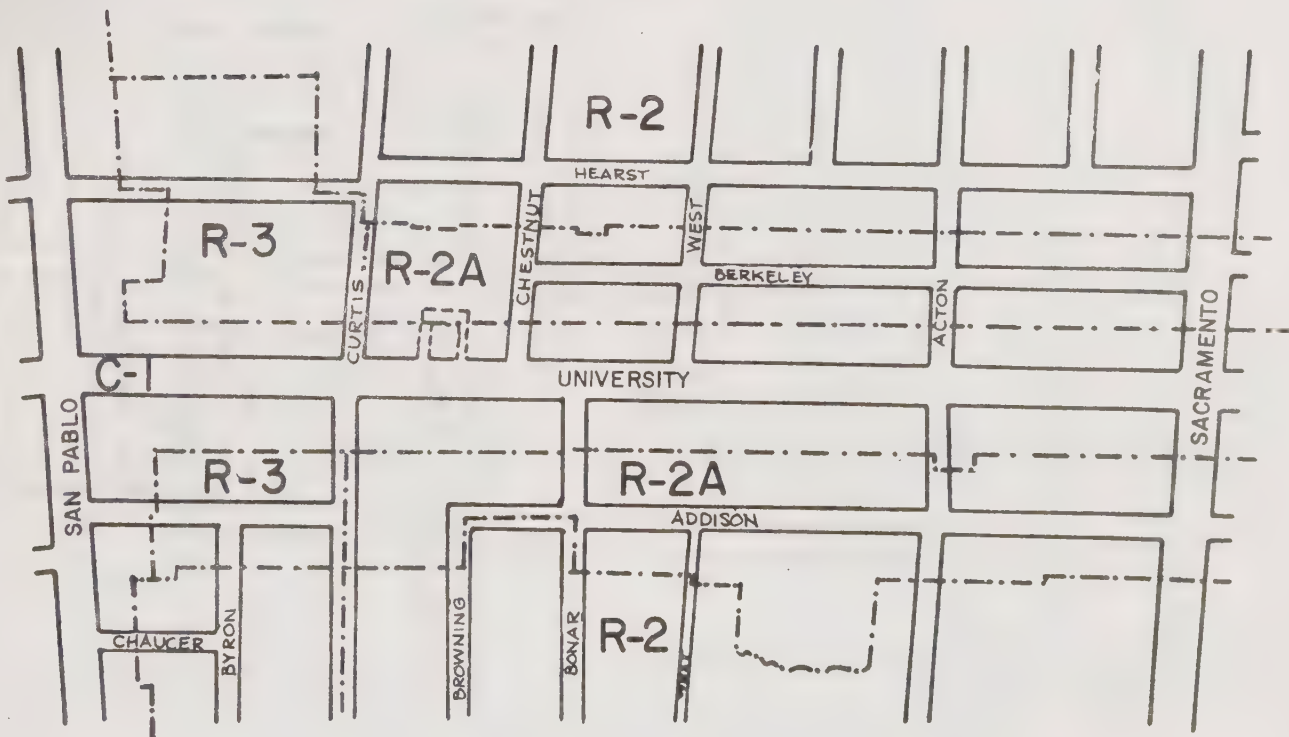
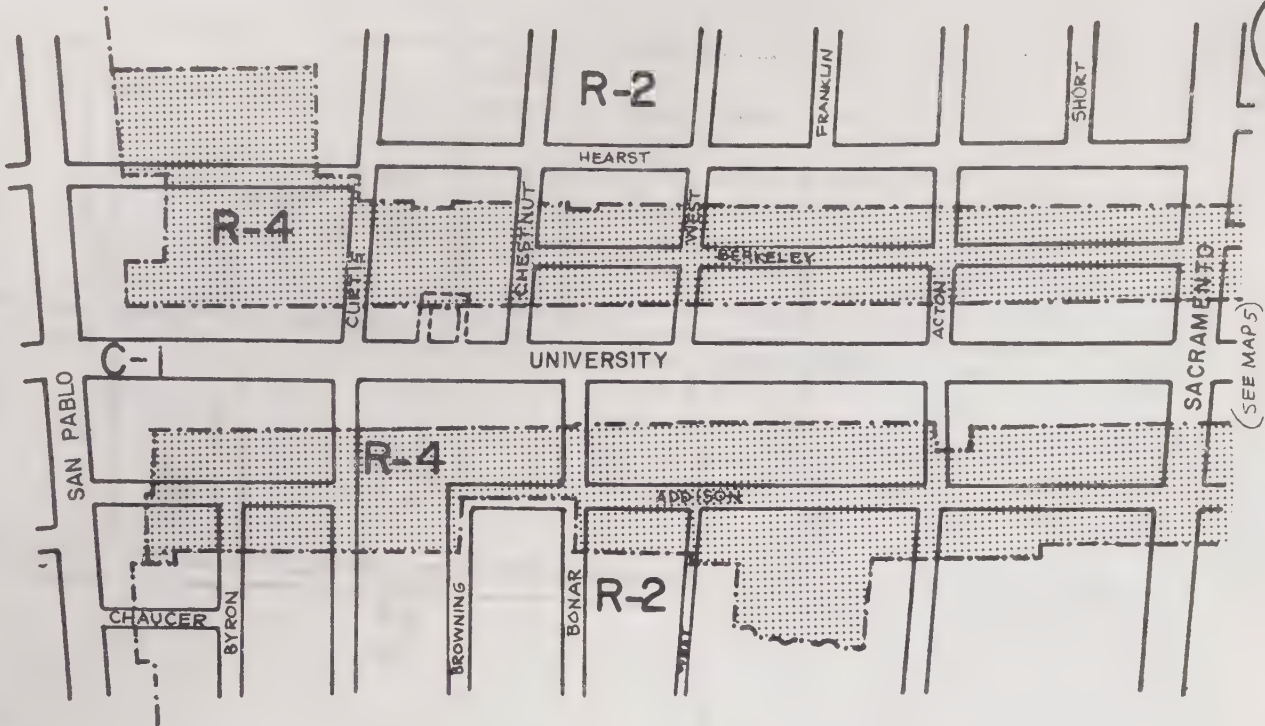


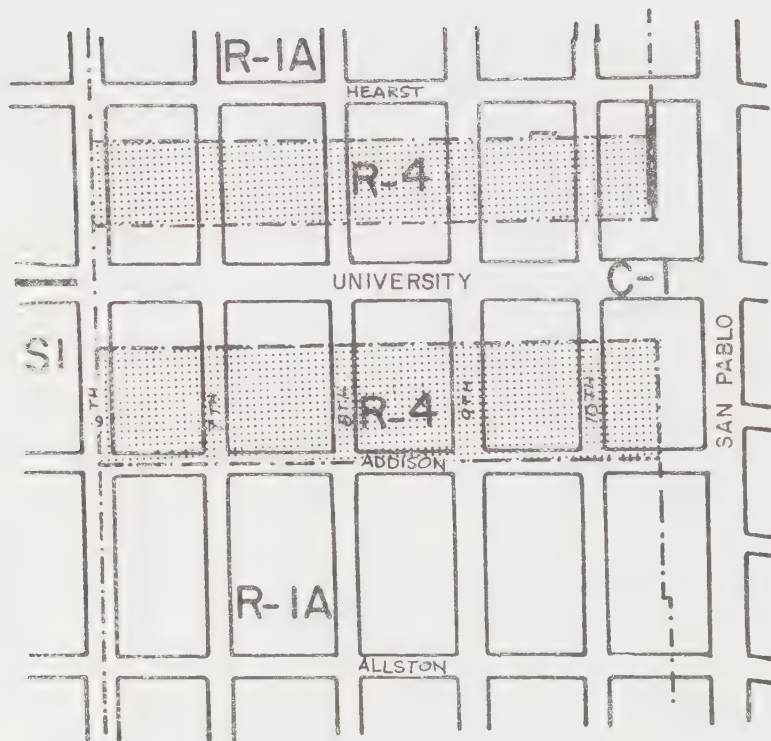




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# EXISTING ZONING



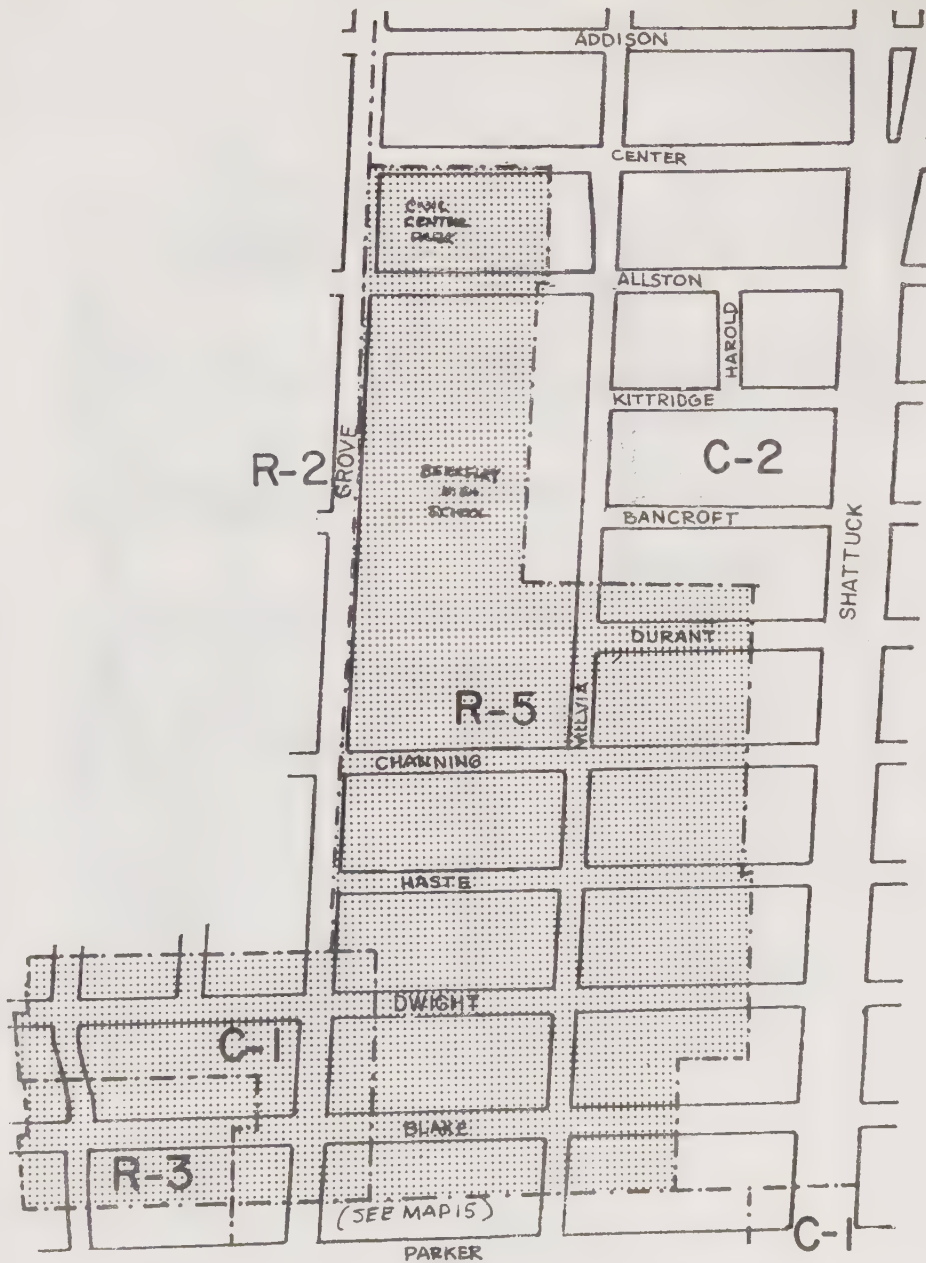
AREA OF ZONING CHANGE



# COMMISSION RECOMMENDATION



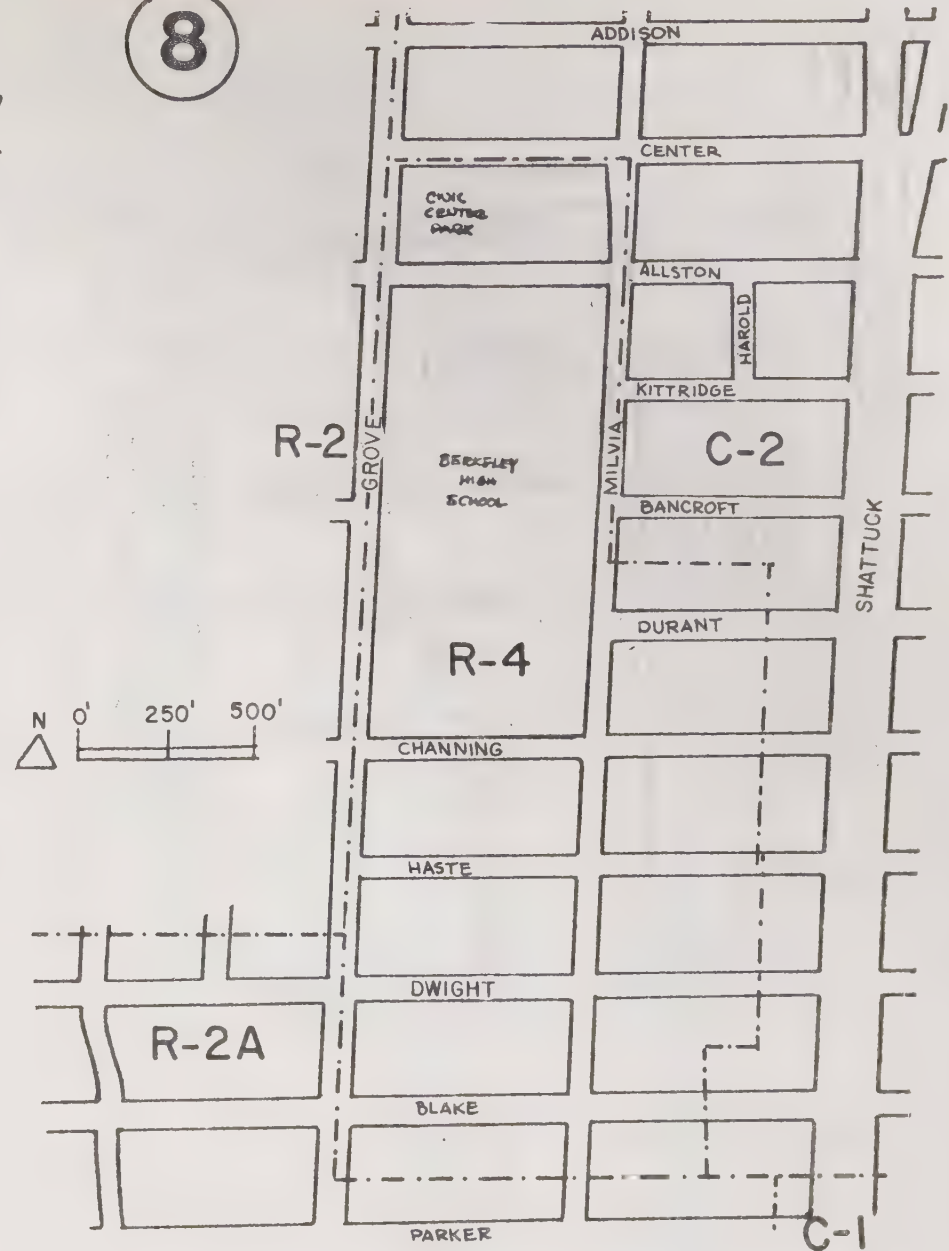
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## EXISTING ZONING

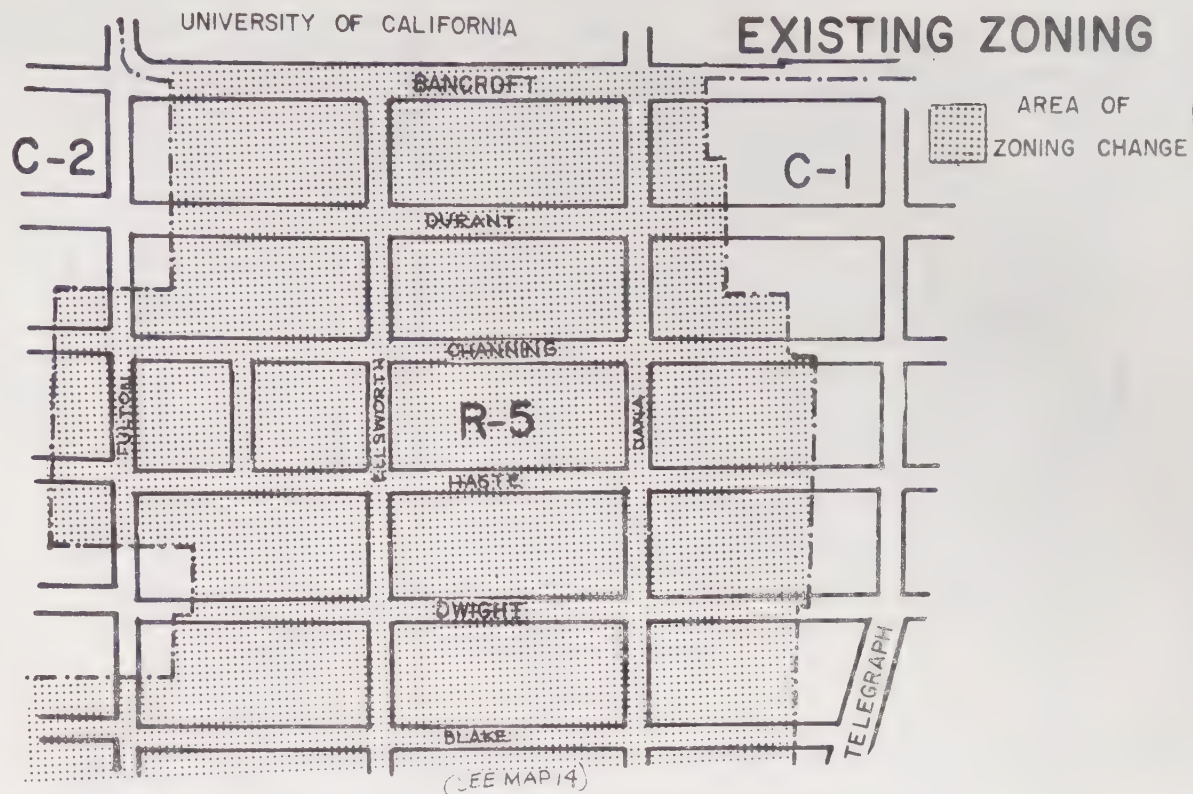


AREA OF ZONING CHANGE

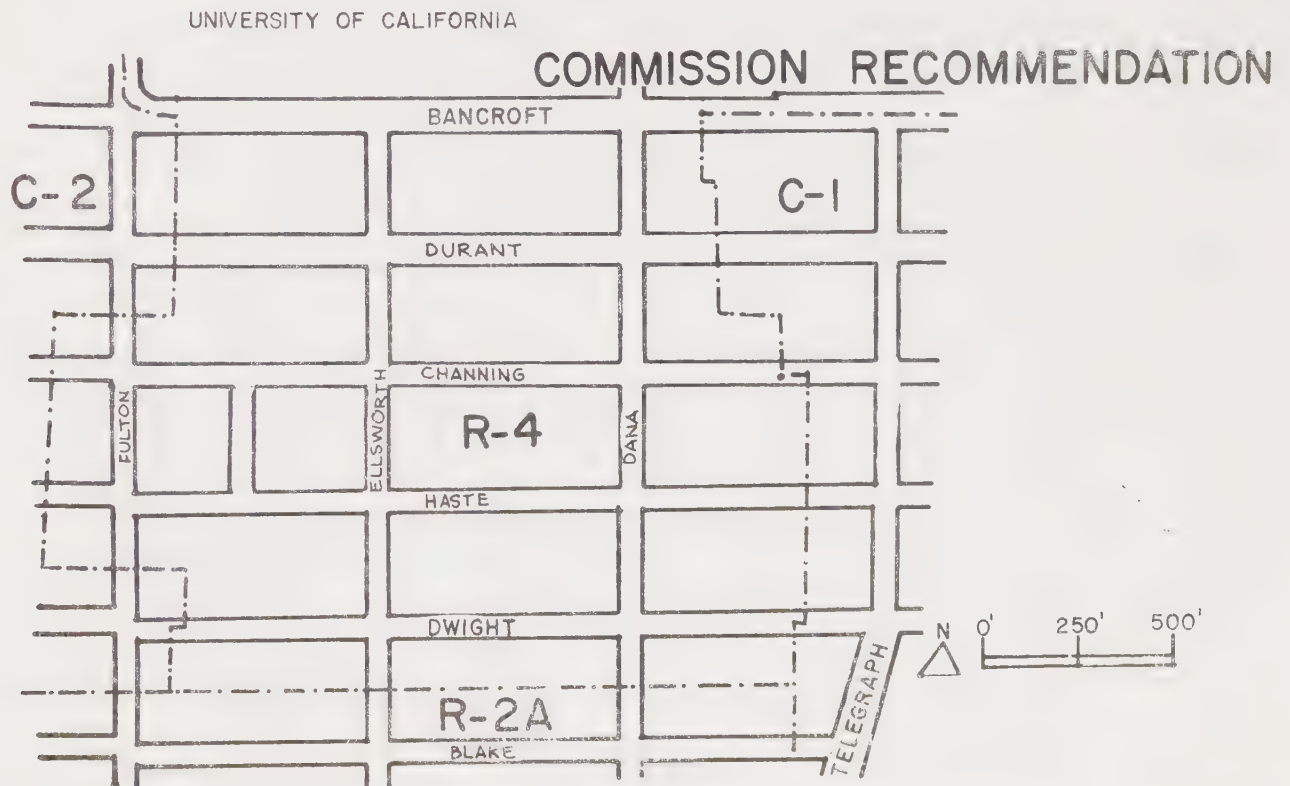


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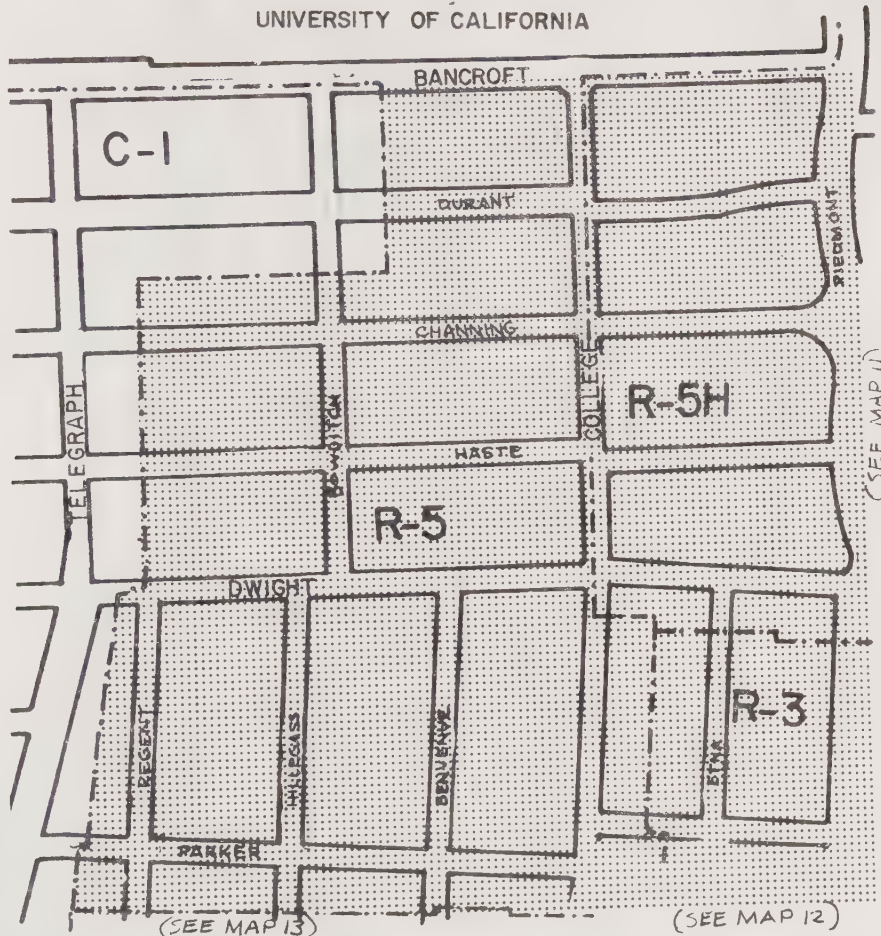
PREPARED BY BERKELEY COMPREHENSIVE PLANNING DEPARTMENT 1976



PREPARED BY BERKELEY COMPREHENSIVE PLANNING DEPARTMENT 1976



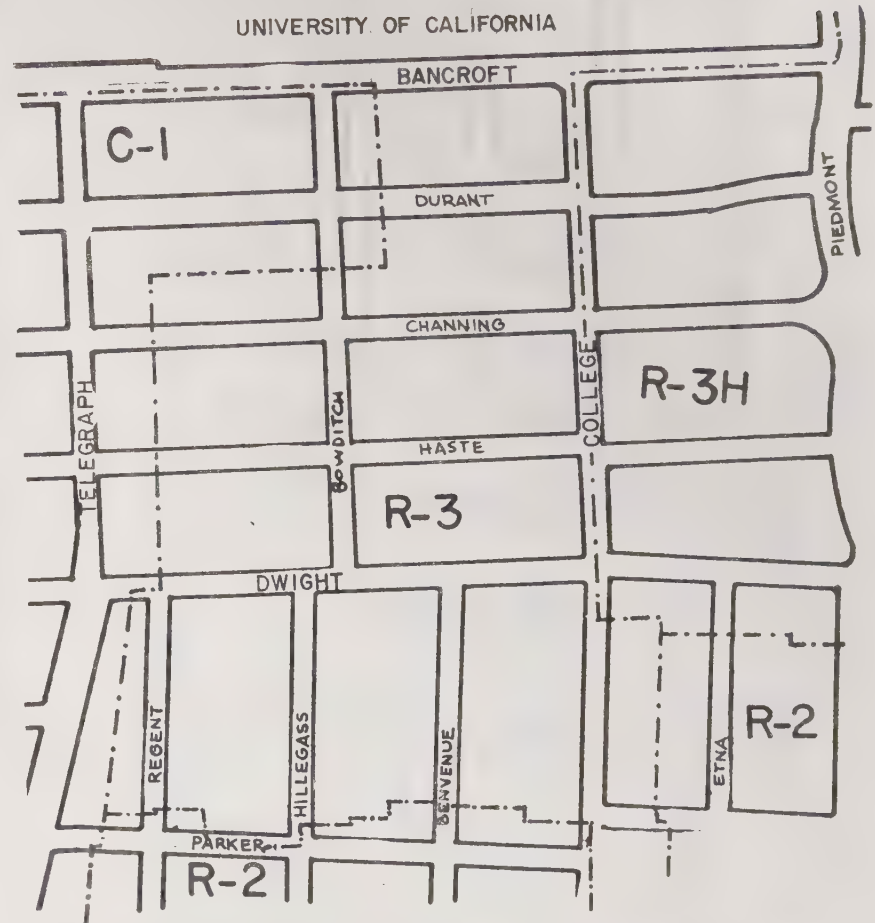




## EXISTING ZONING



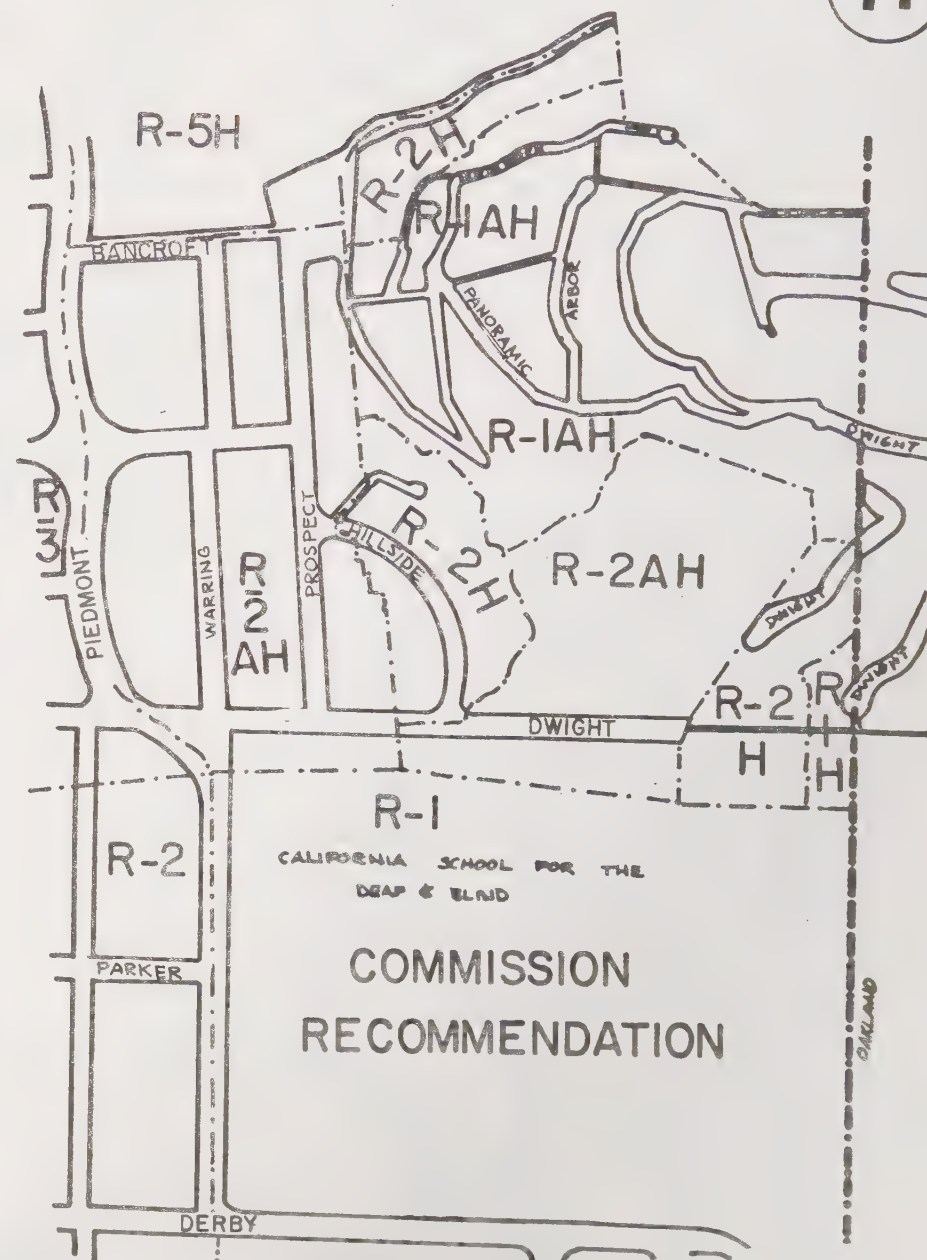
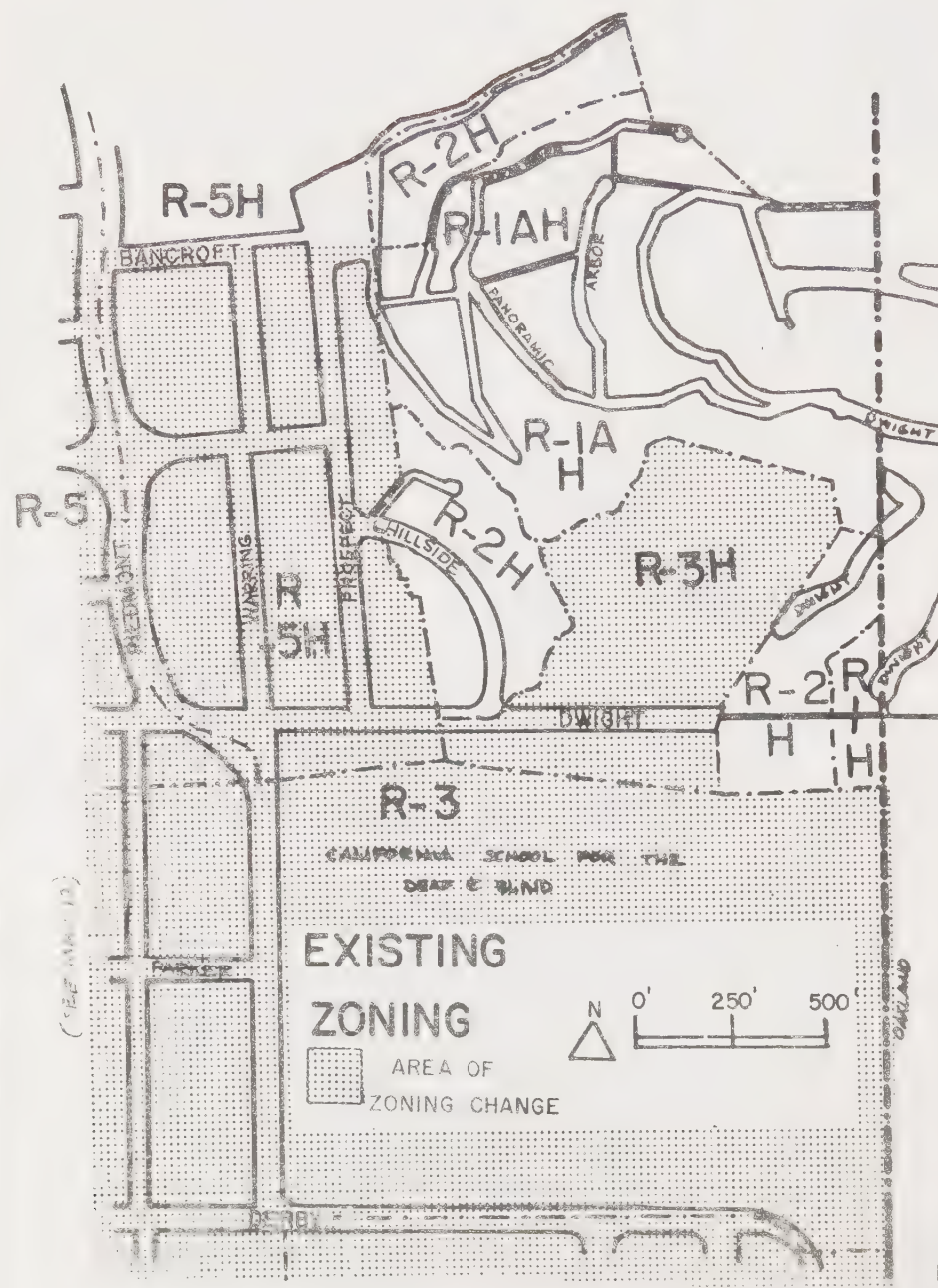
AREA OF ZONING CHANGE

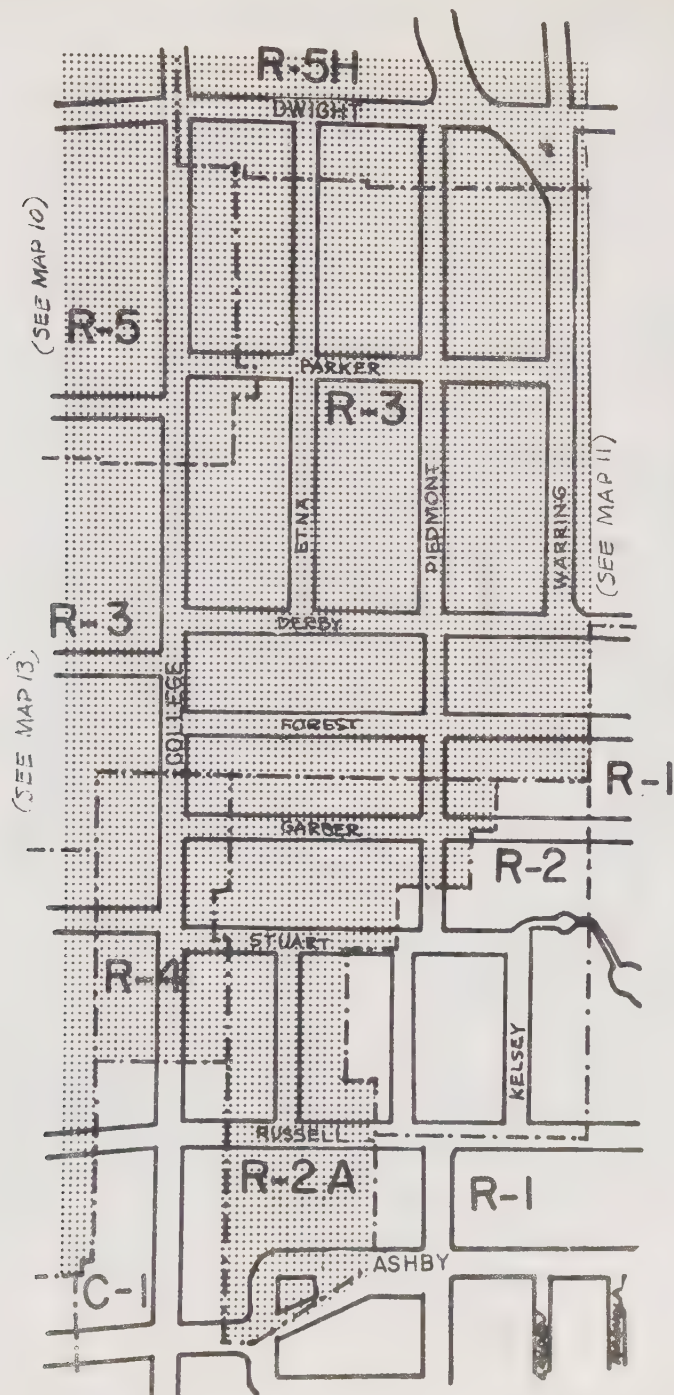


## COMMISSION RECOMMENDATION

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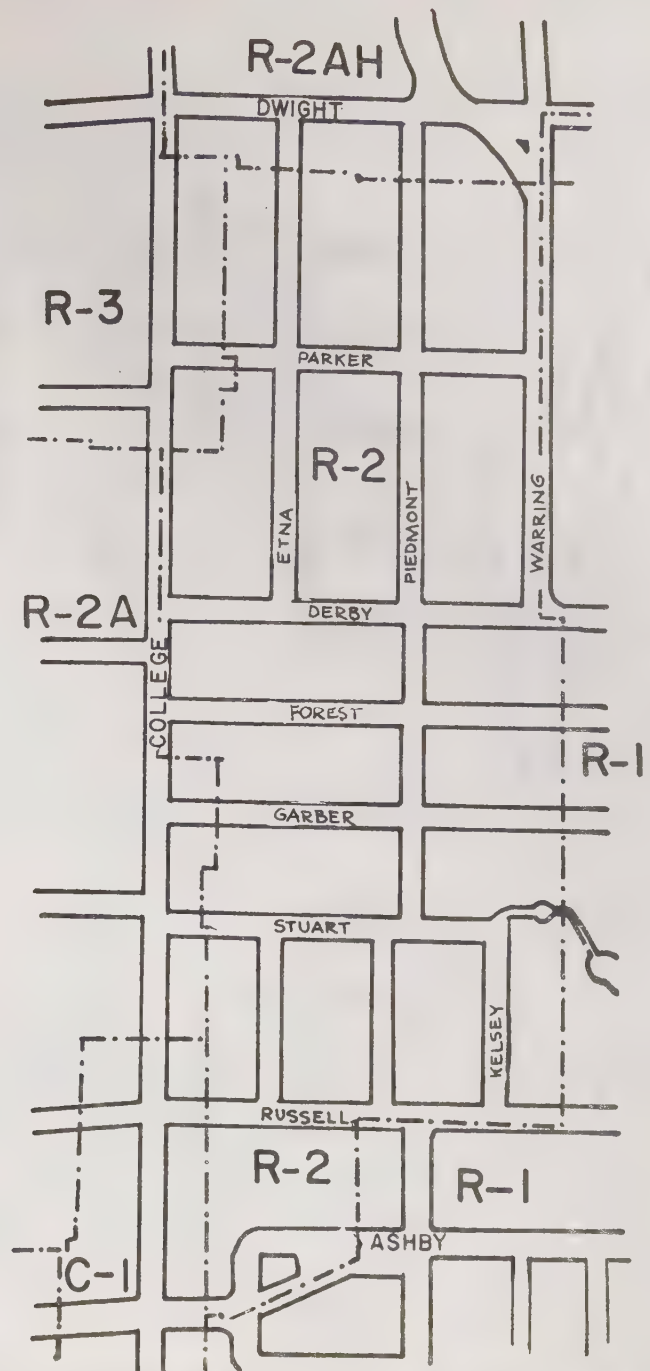


# EXISTING ZONING

AREA OF ZONING CHANGE



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COMPREHENSIVE PLANNING  
DEPARTMENT 1976



# COMMISSION RECOMMENDATION

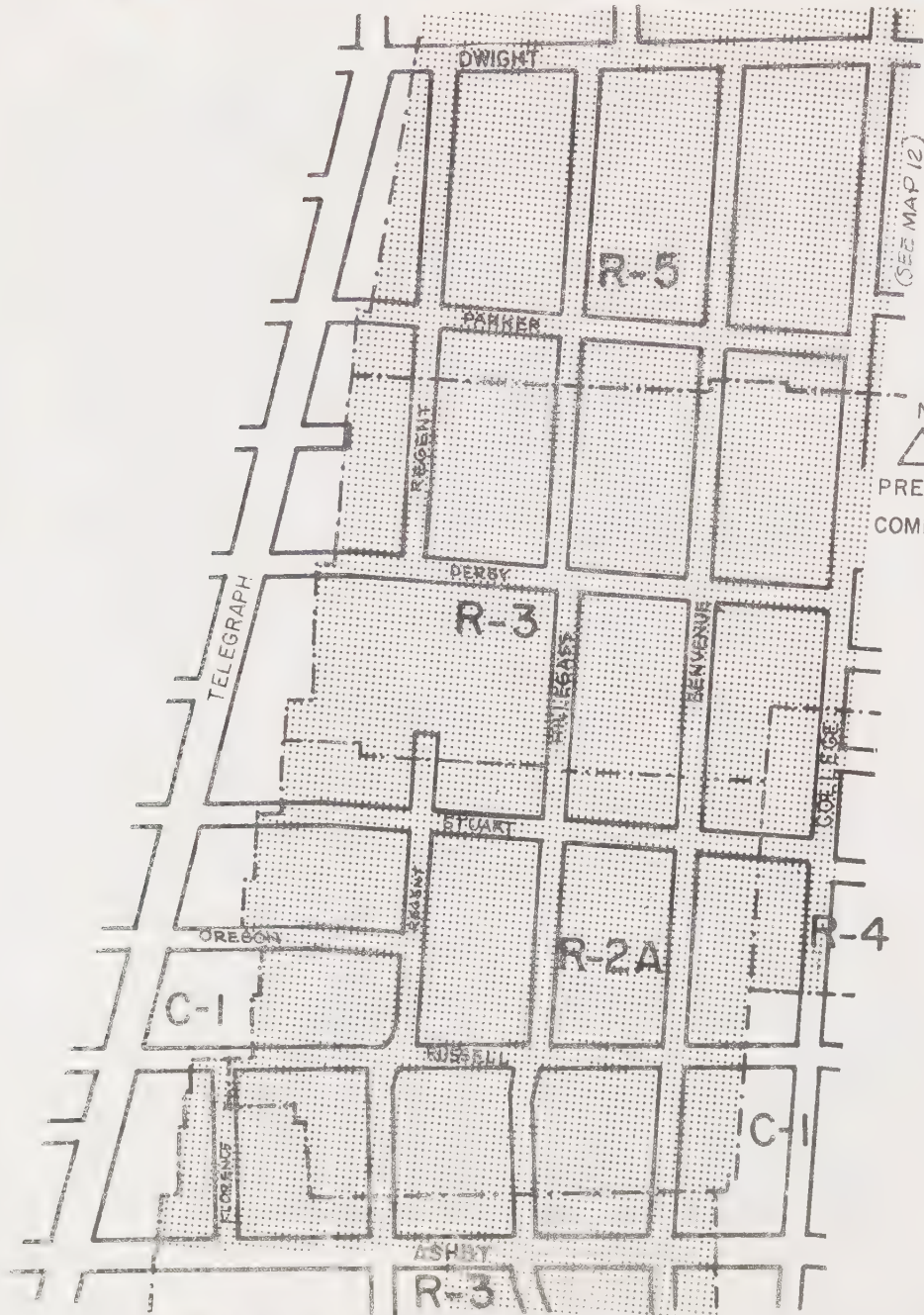


(SEE MAP 10)

13



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COMPREHENSIVE PLANNING  
DEPARTMENT 1976

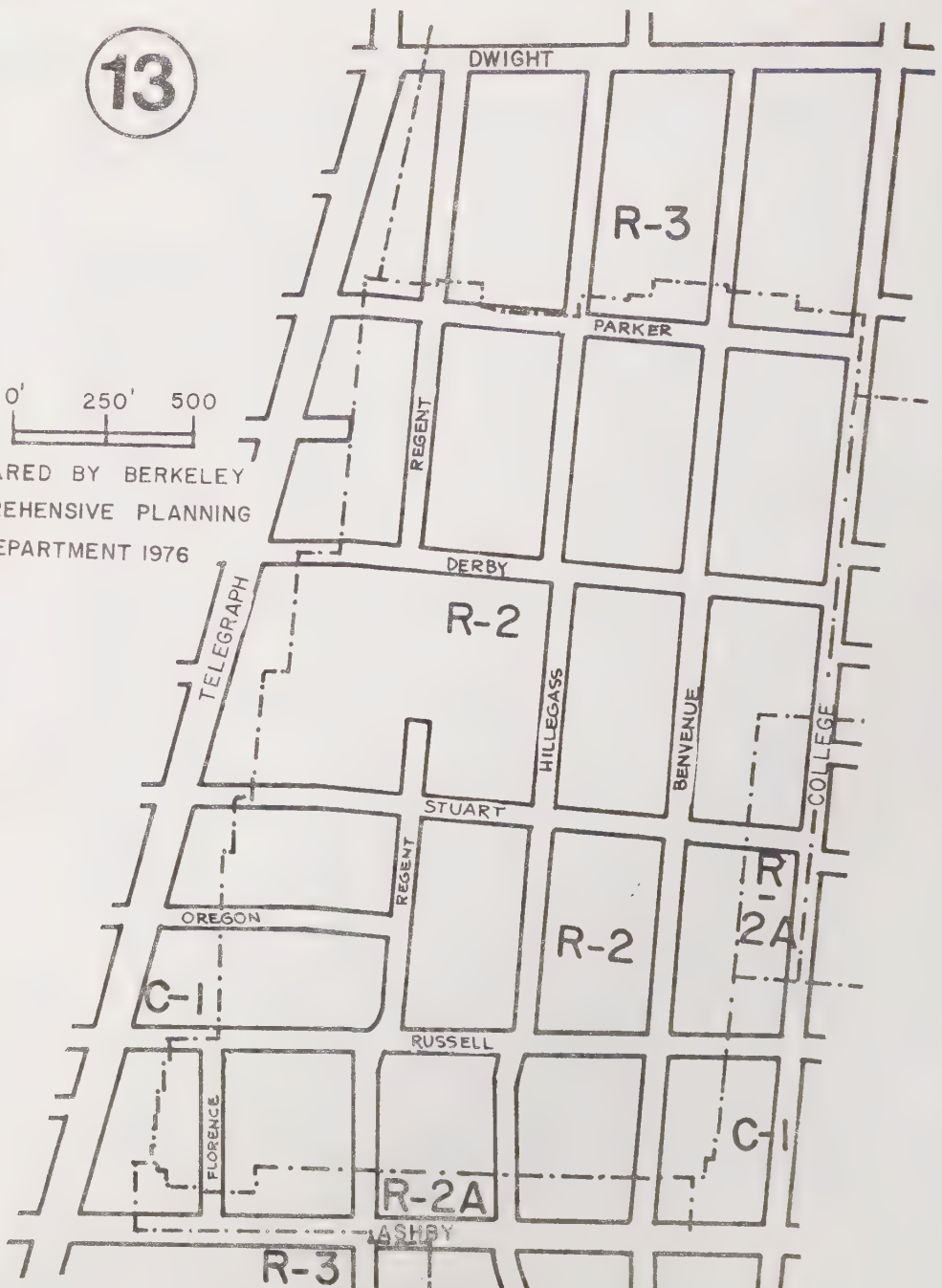


EXISTING ZONING



AREA OF ZONING CHANGE

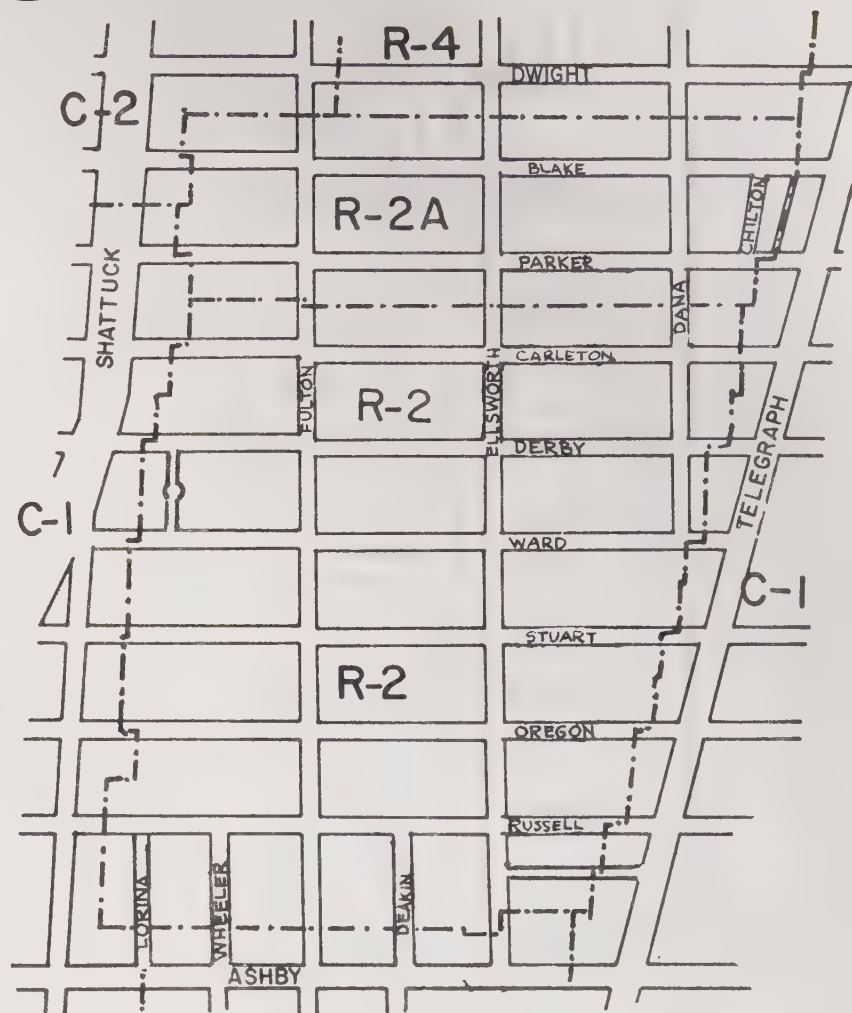
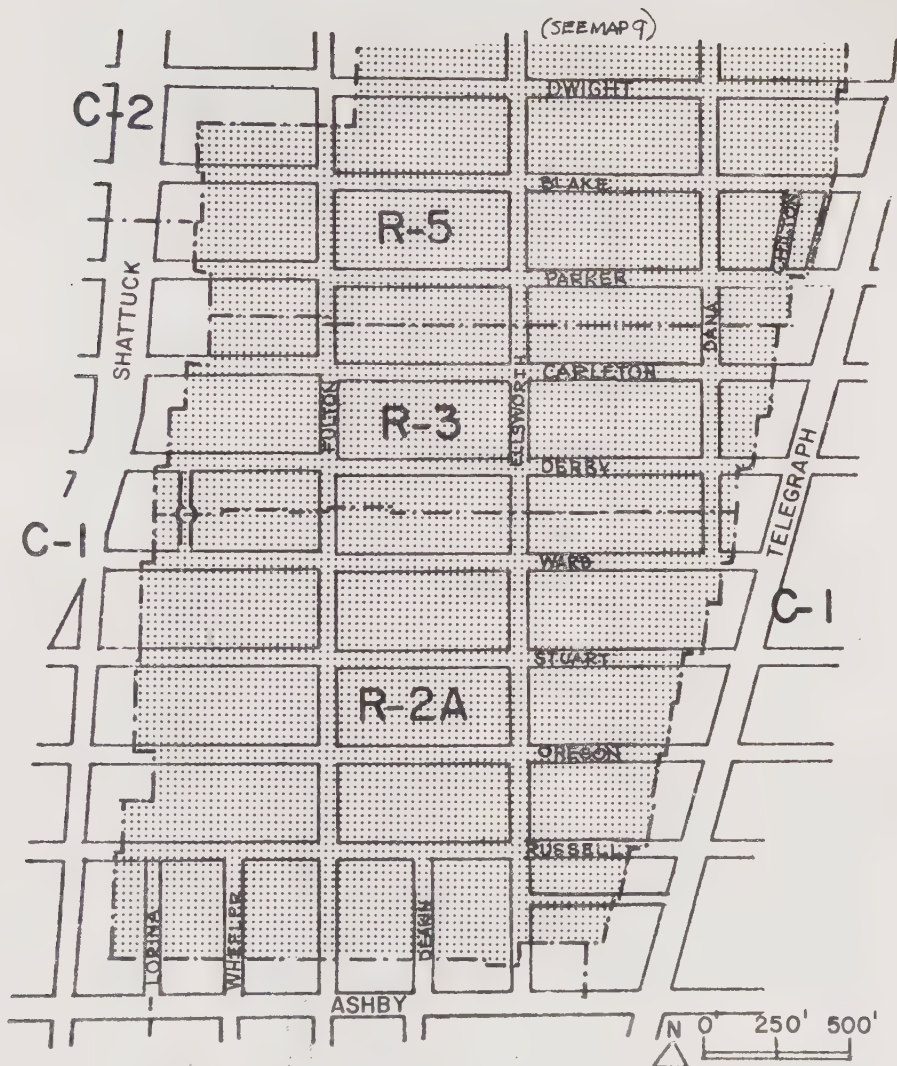
(SEE MAP 21)

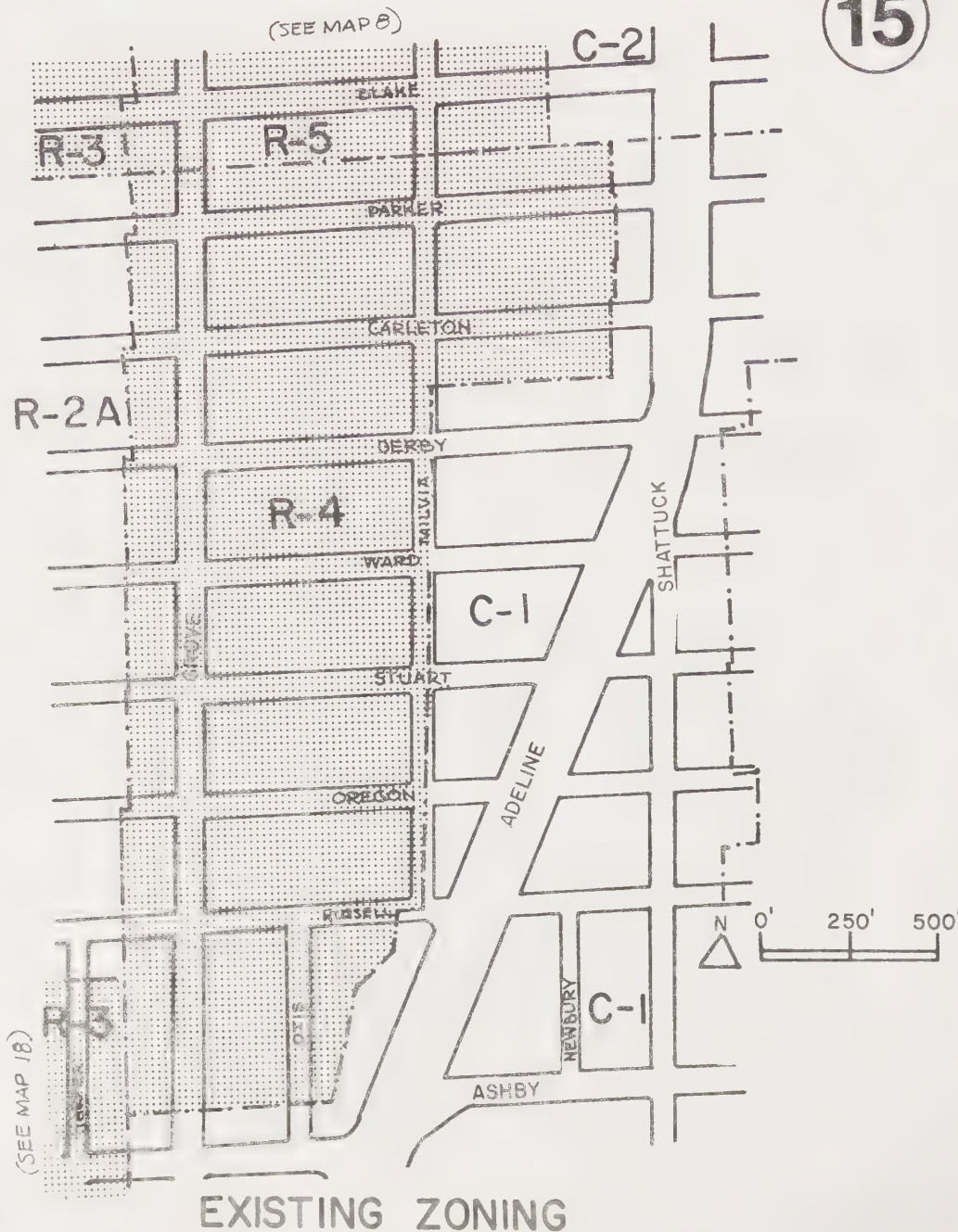


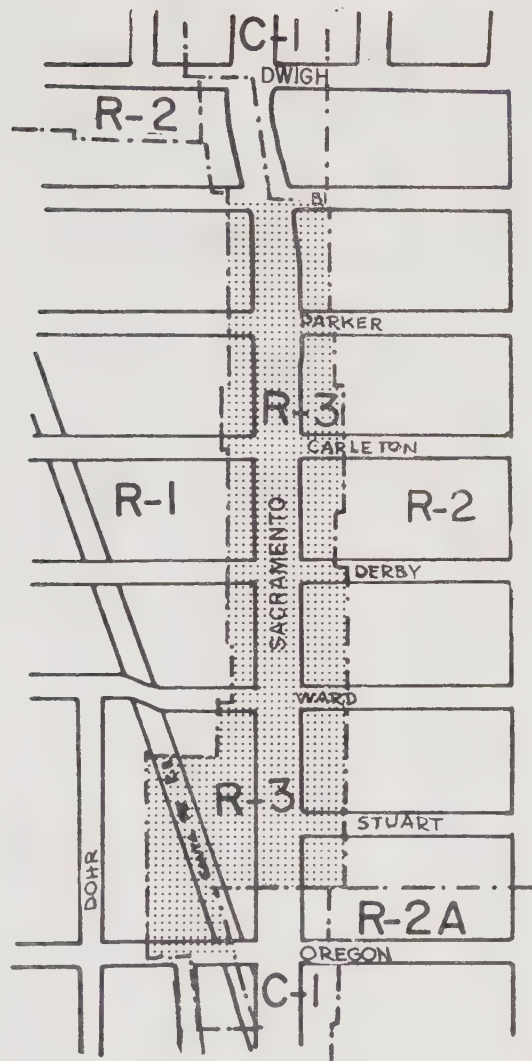
COMMISSION

RECOMMENDATION





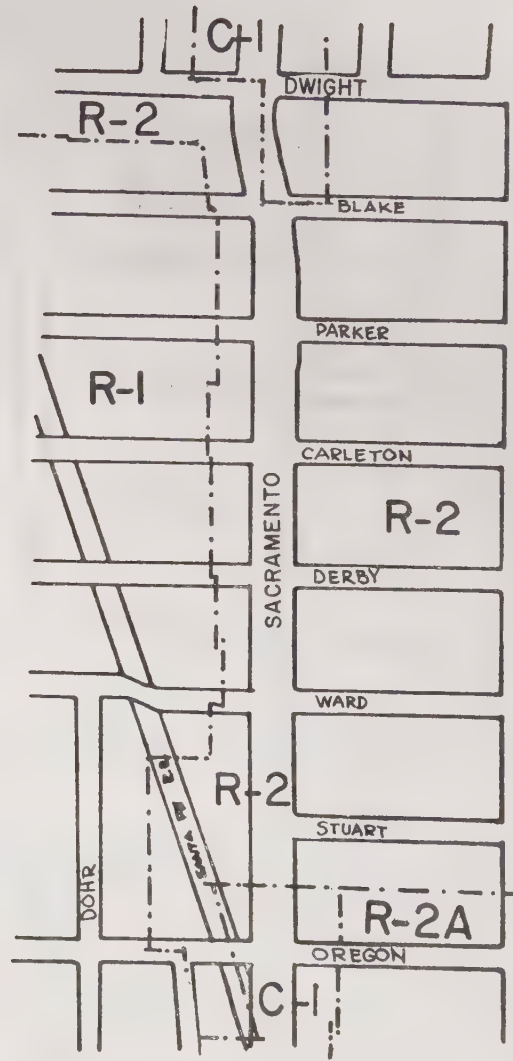




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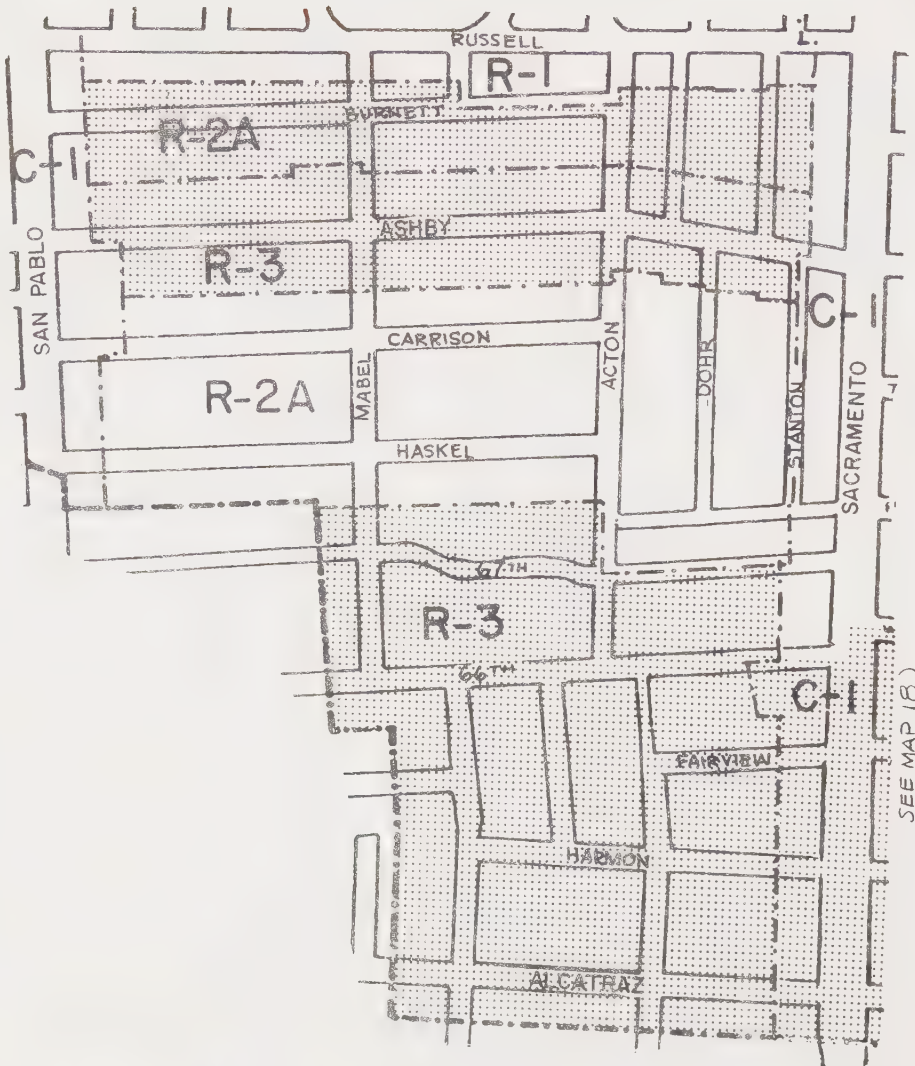
AREA OF ZONING CHANGE



## COMMISSION RECOMMENDATION

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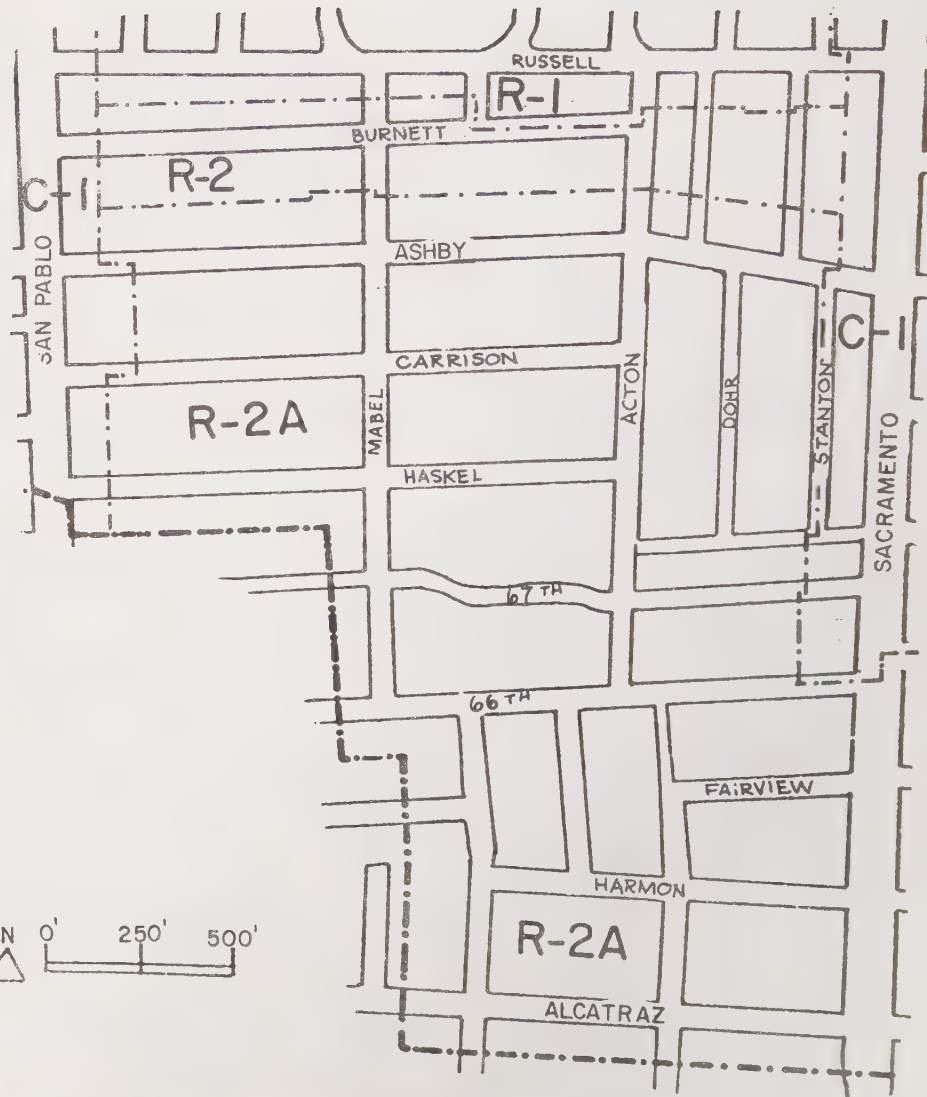




## EXISTING ZONING



AREA OF ZONING CHANGE



## COMMISSION RECOMMENDATION

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(SEE MAP 15)

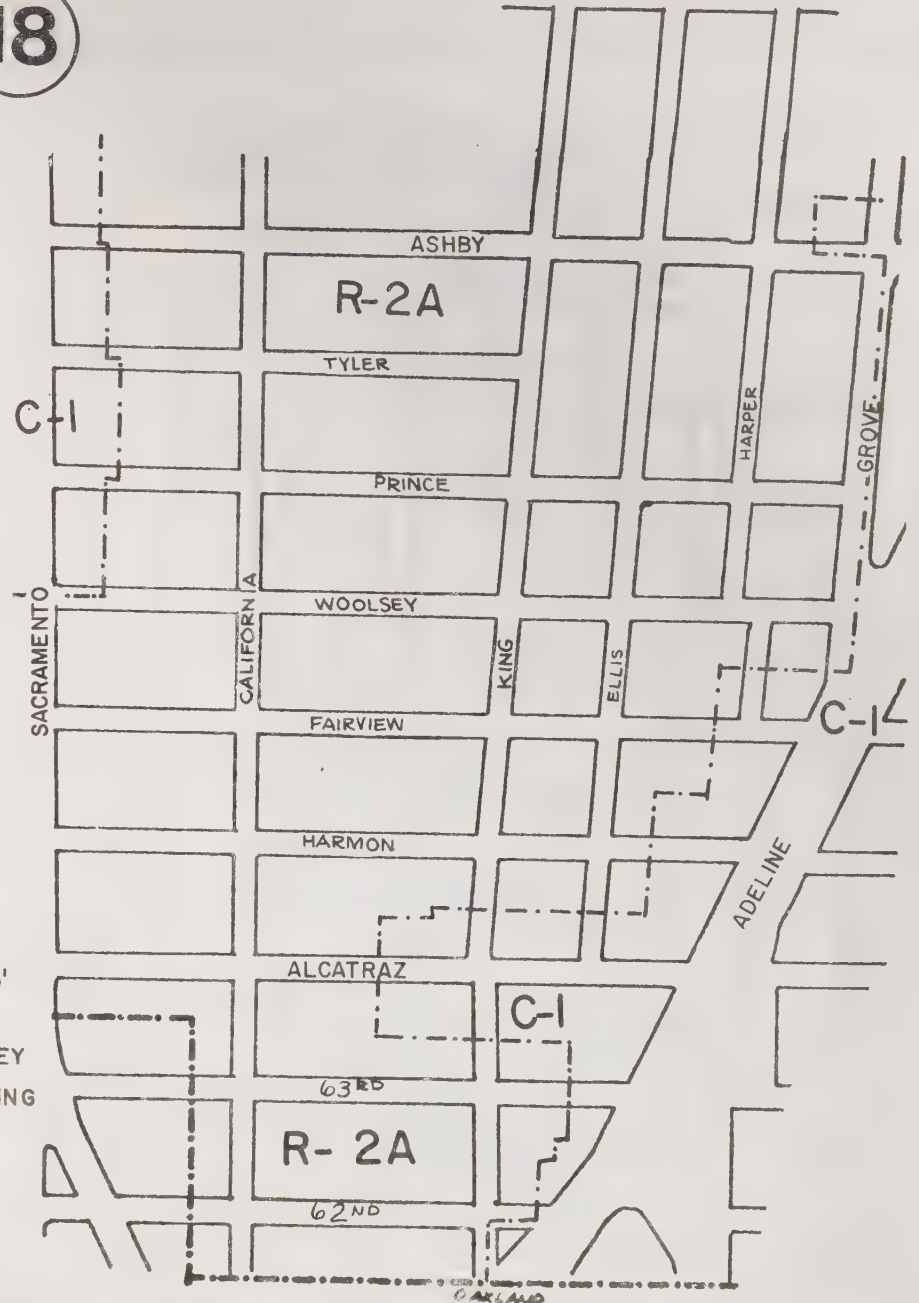
18



EXISTING ZONING



AREA OF ZONING CHANGE



COMMISSION

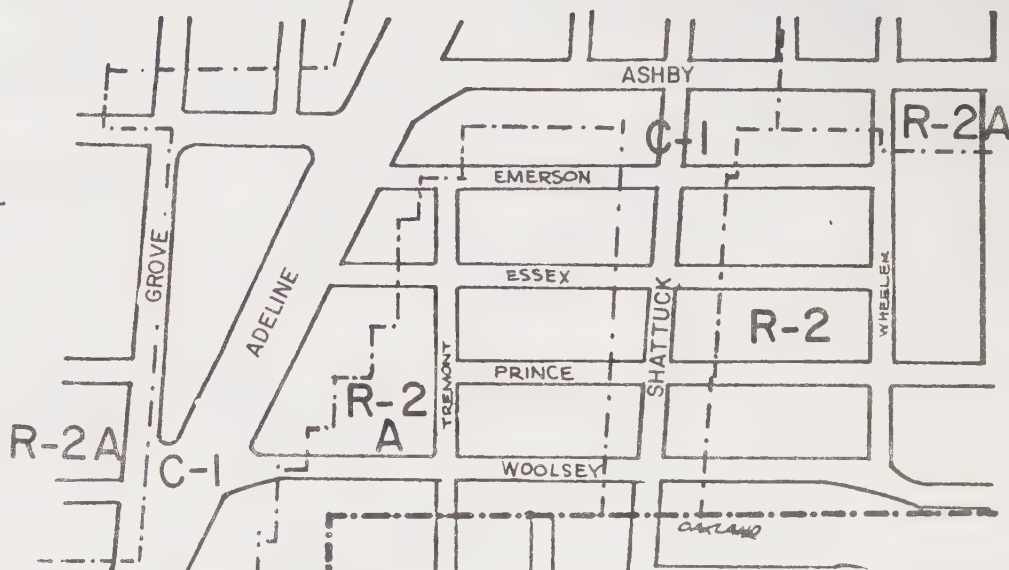
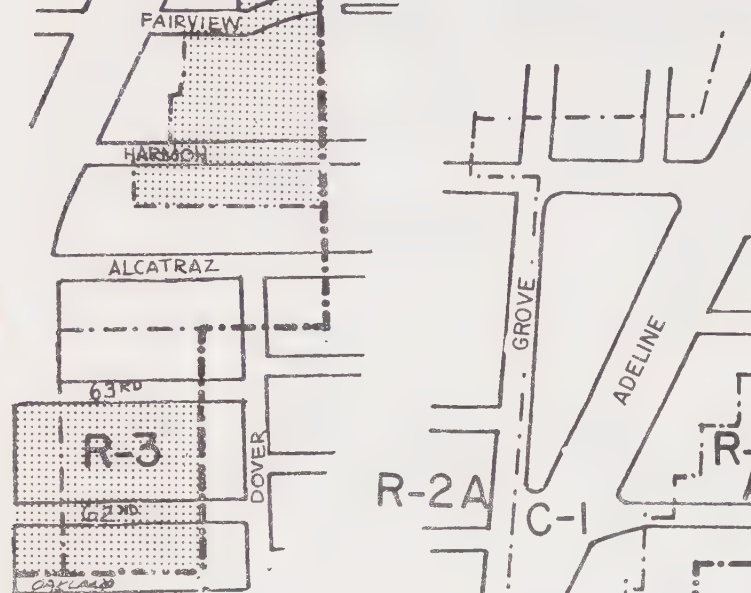
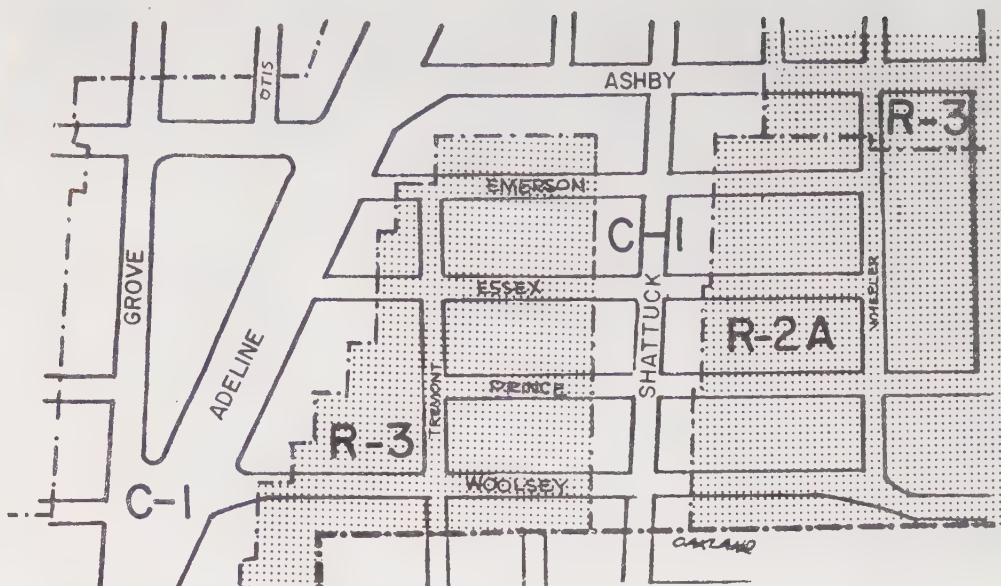
RECOMMENDATION



# EXISTING ZONING

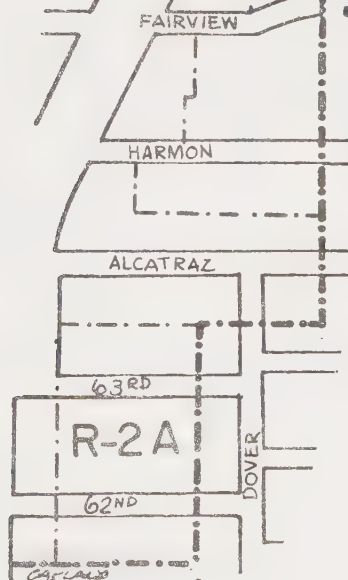
AREA OF ZONING CHANGE

(SEE MAP 20)

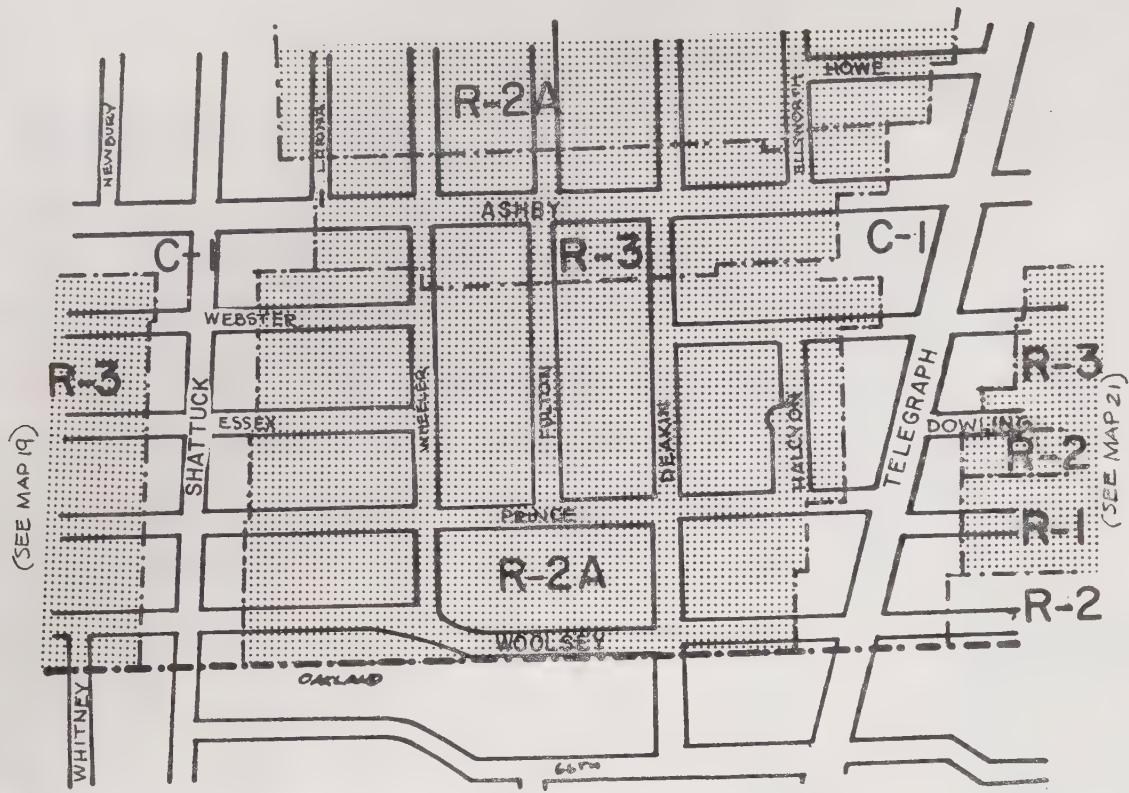


## COMMISSION RECOMMENDATION

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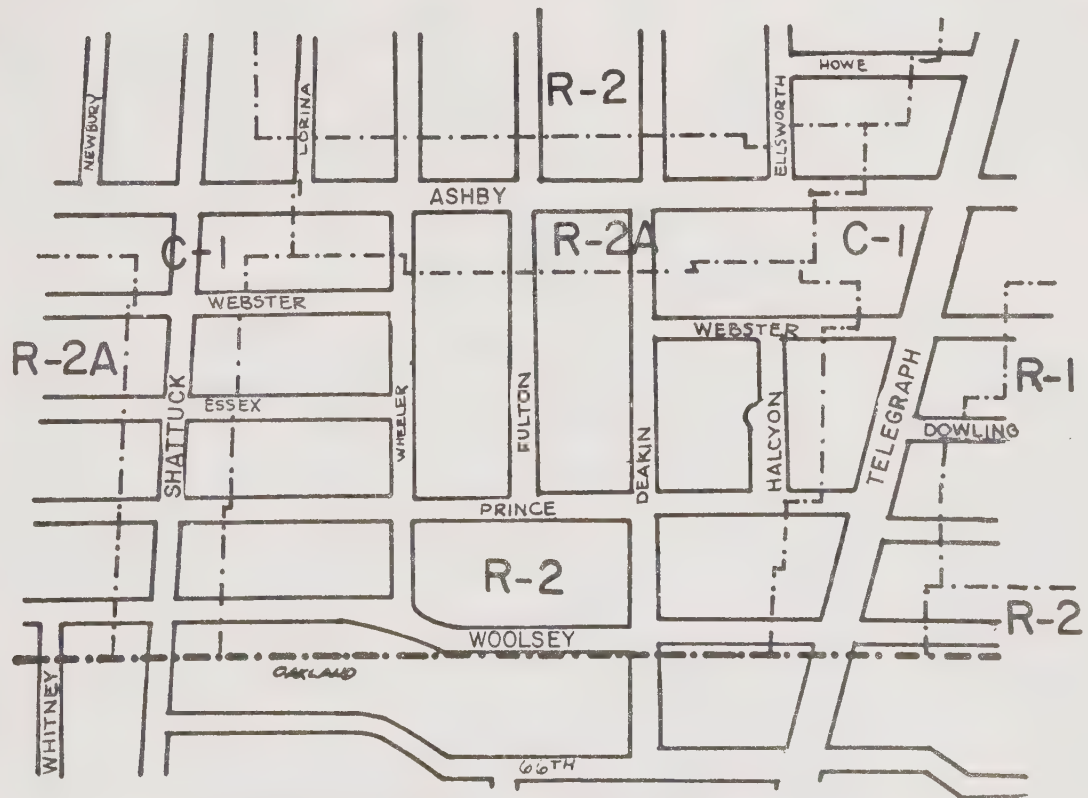


### EXISTING ZONING

AREA OF ZONING CHANGE



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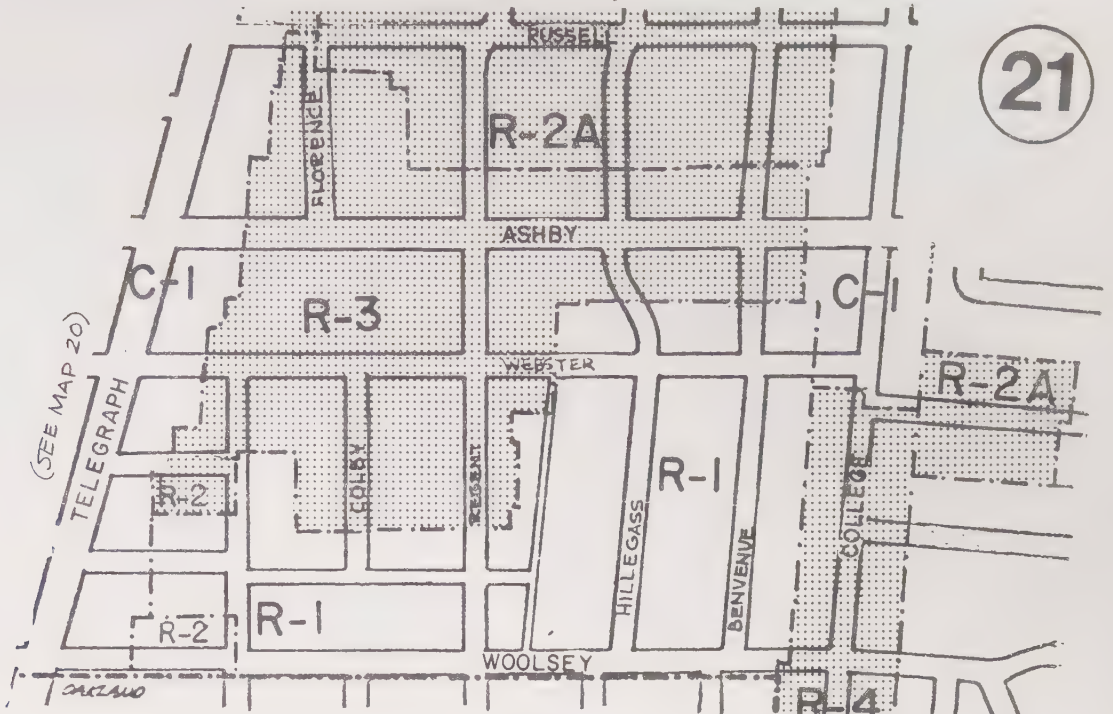


COMMISSION

RECOMMENDATION

(SEE MAP 13)

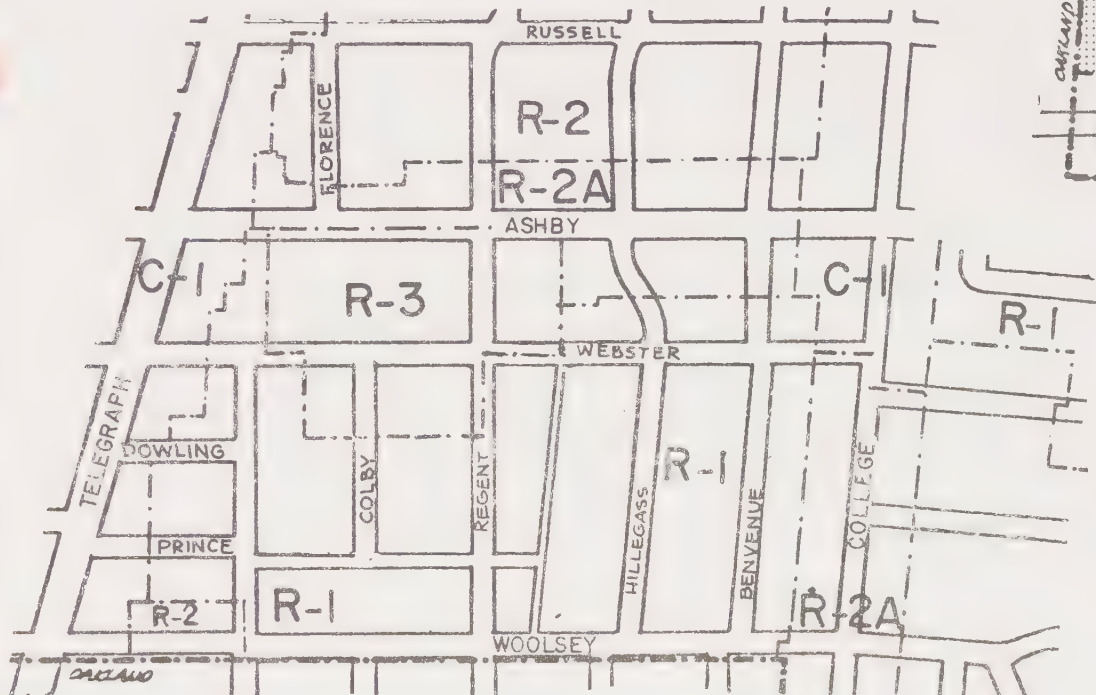
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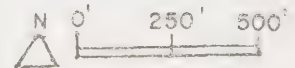
AREA OF  
ZONING CHANGE

## EXISTING ZONING

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## COMMISSION RECOMMENDATION



## PHASE II: ZONING REVISION

### INTRODUCTION

1       The objective of Phase II zoning revision is an overhaul of the present  
2 Ordinance. The scope of this would include procedures, regulations and  
3 clarification. The following outline identifies the areas which need attention.  
4 Phase I revision and more detailed analysis can be expected to reveal and  
5 identify more explicitly the appropriate and most effective allocation of  
6 time and resources. For this reason, the development of the program for Phase  
7 II zoning revision has been deferred until Phase I is near completion.

### Outline

#### 1. Procedures

- a. Use Permits
- b. Role of Zoning Officer
- c. Application Forms
- d. Notification and public information
- e. Respective roles and coordination with:
  1. Board of Adjustments
  2. Planning Commission
  3. Housing Advisory and Appeals Board
  4. Landmarks Preservation Commission
  5. Design Review Committee
  6. Waterfront Board
  7. City Council
- f. Integration with EIR requirements
- g. Updated fee schedule
- h. Defining classes of cases - significant (controversial vs. routine)
- i. Enforcement



## INTRODUCTION

### Outline, Cont'd

#### 2. Development Regulations

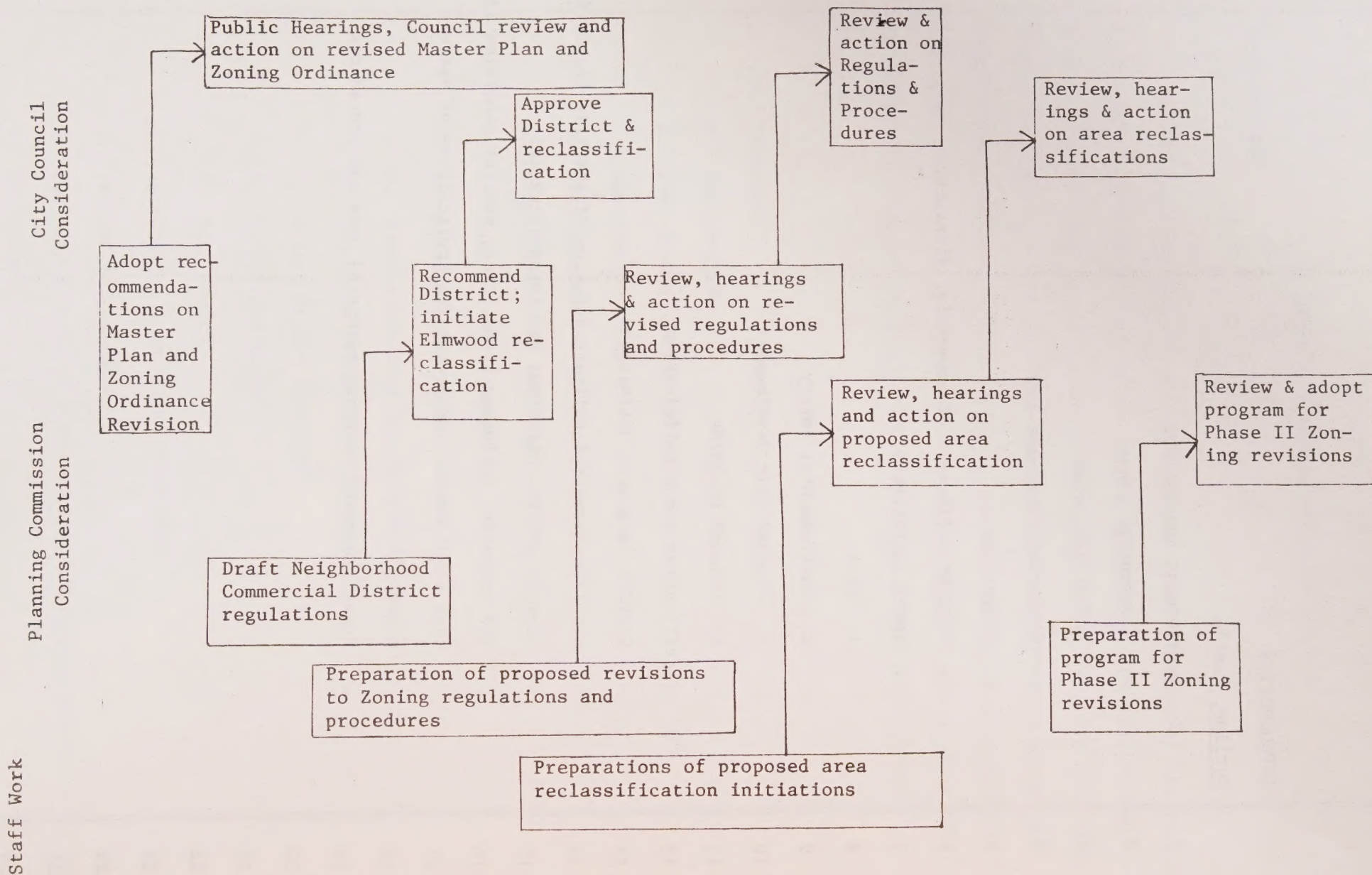
- a. Residential zones
- b. Industrial zones
- c. Potential mixed-use zones
- d. U District
- e. Further refinement of commercial districts
- f. Special districts
  1. Hill
  2. Environmental safety
  3. Planned unit development
  4. Planned shopping

#### 3. Clarification and simplification

- a. Clarify language, definitions
- b. Simplify format; facilitate location of specific regulations
- c. Correct errors, omissions and inconsistencies
- d. Add appendix, including forms, fees, meeting schedules and time requirements for processing applications of various types
- e. Prepare summary covering permitted uses and procedures

# PHASE I --- SCHEDULE FOR ZONING ORDINANCE REVISION

July 1976      August      Sept.      Oct.      Nov.      Dec.      Jan.      Feb.      March      April      May      June 1977





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